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DRUGS AND DOMESTIC TERRORISM THREAT TO ARIZONA AND THE SOUTHWEST BORDER

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

SPECIAL HEARINGS

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DRUGS AND DOMESTIC TERRORISM THREAT TO ARIZONA AND THE SOUTHWEST BORDER

TUESDAY, JANUARY 7, 1986

U.S. SENATE,
SUBCOMMITTEE ON TREASURY, POSTAL SERVICE,
AND GENERAL GOVERNMENT,
COMMITTEE ON APPROPRIATIONS,
Sierra Vista, AZ.

The subcommittee met at 2:04 p.m., in the Board of Supervisors Room, 111 S. Third Avenue, Phoenix, AZ, Hon. James Abdnor (chairman) presiding.

Present: Senators Abdnor and DeConcini.

Also present: Representative Glenn English.

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

STATEMENT OF WILLIAM VON RAAB, COMMISSIONER

ACCOMPANIED BY WILLIAM ROSENBLATT, ASSISTANT COMMISSIONER FOR ENFORCEMENT

OPENING REMARKS OF SENATOR ABDNOR

Senator ABDNOR. The subcommittee will come to order. On behalf of the subcommittee, I want to thank Senator DeConcini for inviting us to Arizona for these hearings. The subcommittee has been intensely active in the battle against illicit drug trafficking for the past 5 years. Our efforts have led to some success. But as you all know, much must be done. For every time we make strides forward, the smugglers step up their activity.

I'm not going to detail what we have done, but I do want to stress our concern about the growing problems occurring on the Southwest border with regard to drugs and terrorism. I want to note for the record that Senator DeConcini has been most instrumental in the subcommittee's distribution of very limited resources in a most effective manner. If it were not for his efforts, I know much of our current detection and interdiction capabilities would not be in place. I am also happy to welcome Congressman Glenn English and look forward to his participation in this hearing.

As chairman of the House Government Operations Subcommittee on Government Information, Justice, and Agriculture, Congressman English has been a driving force behind the effort to increase our interdiction work.

As I said in our press conference, I don't know anyone who has worked harder on this problem in the Senate than Senator DeConcini, and I think we have shown marked improvement in our program. But as I said, we have a long way to go.

Senator DeConcini, do you have any statement?

Senator DECONCINI. Mr. Chairman, thank you very much.

First, I want to thank you for agreeing to hold these hearings, and I also want to welcome Congressman English. As you said in the press conference, he has been a cooperative Member of Congress and a leader in the House and has welcomed you and me on a number of occasions to sit at the hearing table with him on the subject of drug enforcement and the administration and the various agencies that deal with it.

So we appreciate very much, Congressman English, you taking the time from your schedule.

Chairman Abdnor, I am indebted to you for holding these hearings, for obligating the Appropriations Committee to come to Phoenix, AZ, and Sierra Vista to take the time to go into this, not only for the purposes of Arizona, but also for the Nation.

I thank the board of supervisors for providing the facilities, the security people, and everyone who has been so helpful.

Mr. Chairman, nearly 27 months have passed since this subcommittee met in this same building to discuss the drug smuggling threat to Arizona and the rest of the Southwest border. We had a serious drug trafficking threat along the Southwest border then, and we have an even more serious threat today.

Just looking for a moment at the cocaine smuggling threat in the Southwest border region, it is clear that there is a serious swing west from the traditional hotbed of cocaine smuggling in south Florida. Data compiled from the El Paso Intelligence Center by the Office of Technology Assessment indicates that since 1981, cocaine smuggling in the Southwest border States of Arizona, California, New Mexico, and Texas has increased from 5,980 kilograms to 20,960 kilograms in 1985, an increase of 251 percent in just 5 years.

EPIC data also shows that 65 percent of the total amount of cocaine smuggled into the United States in 1985 came in by private general aviation aircraft and that 31 percent of the general aviation cocaine smuggling threat occurred in the Southwest, up 50 percent since 1981.

Finally, the EPIC and DEA data show that Arizona continues to be the major Southwest point of entry for Mexican heroin, with a significant increase in heroin activity in Arizona over the past few months. OTA estimates that the smuggling of heroin by land across the Southwest border could be as high as 2,500 kilograms, which has a value of nearly $500 million on the street.

The Federal response to this growing Southwest border drug threat is a typical good news/bad news situation. The good news is that congressional leaders like Jim Abdnor and Glenn English have joined with me and members of both political parties in the Congress to provide additional drug interdiction resources to attack the drug smugglers all along our Southern border. A new military drug interdiction wing that Glenn English and I sponsored and Senator Abdnor helped pass through the Congress of the United States was signed into law by President Reagan. Other help is on the way, and we will hear some of that today.

The bad news, of course, is that after a flurry of activity in 1982 and 1983, the administration has apparently decided that the drug interdiction war is over, and we no longer need to put resources into the drug interdiction fight. The optimism surrounding the establishment of the National Narcotics Border Interdiction System, known as NNBIS, in 1983 and the 1982 south Florida task force efforts to crack down on trafficking in south Florida has apparently given way to the OMB and the White House shoulder shrug to providing both the equipment and the drug enforcement manpower to interdict drugs along the Southern and Southwest borders.

All indications are that both the President and his surgeons at OMB are not only willing, but anxious to get the congressional initiatives to beef up the Customs Service's land, air, and marine interdiction programs and to bolster the Coast Guard. The President's veto of the Customs funding bill in November, coupled with OMB's decision to slash nearly 1,400 law enforcement positions out of Customs next year, added to the Pentagon's persistent, behind-the-scenes lobbying against the new military drug interdiction air wing are all symptoms that the administration is waving the white flag of surrender to the drug smugglers. Hopefully, the testimony today and in Sierra Vista Thursday will prove me to be wrong.

I am delighted, Senator Abdnor, that you are here. And Congressman English, there is no more important subject in the State of Arizona for our national security.

I welcome, with sincere appreciation for their travel and their time, our witnesses here from the Defense Department and Department of the Treasury, the Justice Department, and particularly the Commissioner of Customs, for being here with us today. We look forward to an exchange of views that will be beneficial to all of us.

Thank you, Mr. Chairman.

Senator ABDNOR. Thank you, Senator DeConcini.

Congressman English, would you care to make an opening statement?

Mr. ENGLISH. Thank you very much, Senator Abdnor and Senator DeConcini. I certainly want to thank you for your invitation to join your subcommittee for these very important hearings on drug interdiction. This is not the first time that we have joined together for a bipartisan hearing on this topic. In the past 3 years, in addition to the ongoing work of our subcommittees in this area, we have joined forces no fewer than 10 times. Our staffs consult almost on a daily basis.

Our studies have documented a dramatic shortage of drug interdiction manpower and equipment, particularly in the Customs Service. We know that our law enforcement officers need quality equipment to fight drug smugglers, and we need a certain minimum number of personnel to make the best possible use of that new equipment. As a Congress, we have realized that the war on drugs cannot be waged forever at the bargain basement of law enforcement. Tragically, judging from the administration's proposed slashes in the Customs budget for fiscal year 1986 and fiscal year 1987, they are headed for the bread line of law enforcement. This cannot be permitted. We are aware of the enormous budget problem. Today, no program can grow like topsy, not even drug interdiction, but even in the tightest of budget times, the Federal Government has a responsibility to protect the American people. We spend vast amounts of money for national defense, and I support that. But at the same time, we have a war going on every day here in Arizona and throughout the United States.

The invasion of drugs is hurting all of our people every day. The damage comes in many forms—police officers slain by traffickers or people under the influence of drugs; our land, sea, and air borders freely violated by drug runners; teachers unable to teach and children unable to learn because of juvenile drug use; crimes of violence committed every day by drug users.

In Oklahoma City, in my district, the district attorney says that 70 percent of the violent crime that he sees is drug related. So it's frustrating to see the slowness with which this administration is waging its war on drugs. We hear terrific election year rhetoric about "bringing organized crime to its knees" or about some new policy board which, once again, is going to reorganize our drug fighting agencies and for no cost, but the bottom line always comes back. Law enforcement costs money, and we are going to get what we pay for.

Mr. Chairman, we have an obligation, it seems to me, to protect the American people from this invasion, and at the same time, we have an obligation to ensure that economies are made wherever possible. However, there is a level of economy below which we cannot fight, let alone win. We were obviously below that level for many years, and only recently, with your leadership and certainly with the leadership of Senator DeConcini, we have approached the required level of civilian funding for drug interdiction. This is also why our subcommittees have spent so much time in exploring the areas where the Department of Defense could assist in drug fighting.

I appreciate the amount of time that you have dedicated to drug interdiction, and again, I'm grateful for your invitation.

Thank you very much.

Senator ABDNOR. Thank you.

With that, we will call on our first witness, William von Raab, Commissioner of U.S. Customs Service. He is accompanied by William Rosenblatt, the Assistant Commissioner for Enforcement.

Gentlemen we welcome you to the committee, and we are anxious to hear from you. Let me say Commissioner, that your entire statement will be made a part of the record, as will yours. You can proceed in any manner you care.

Mr. VON RAAB. Mr. Chairman, Senator DeConcini, Congressman English, it's a pleasure to be back before each of you, which is a pleasure that I have had on a regular basis throughout the year, because of your tremendous interest in Customs' efforts and the Government's efforts in fighting drug smuggling.

Senator, it's particuarly nice to be in Arizona. I haven't had the latest weather report from Washington, but I think it's probably pretty terrible. I think it's supposed to go down around 8 °C today. So I certainly am happy to be here, because it's a wonderful State and also because it's particularly cold in Washington.

I think that we have all come a long way over the past 4 years, and I am pleased to have this opportunity to appear before you today to discuss issues of mutual concern relating to the narcotics smuggling threat and what the U.S. Customs Service is doing to combat this threat.

As you know, during my tenure as Commissioner of Customs, the interdiction of illegal narcotics has been, and will continue to be, the primary enforcement mission of the U.S. Customs Service. In the last few years, even the most stubborn skeptics have come to realize that the availability of potent, highly addictive drugs poses an unacceptable threat to the survival of our Nation. At the same time, the proceeds of these drug enterprises are being used to corrupt and subvert the political process in drug source countries.

First, let me address actions designed to enhance drug interdiction at Customs ports of entry. I have moved to enhance the effectiveness of our inspectional procedures and to increase the staffing at high risk locations. Customs has also made substantial progress in getting the cooperation of domestic and foreign airlines, as well as marine carriers, to help prevent the use of their commercial flights and ships to smuggle large quantities of drugs into this country. An umbrella agreement has been made with the Air Transport Association and the International Air Transport Association, which has been supplemented by bilateral agreements with 12 air carriers.

Also, an agreement has been negotiated with the Pacific Marine Shipping Association, supplemented by bilateral agreements with 18 marine carriers, and two more agreements are currently pending.

I am especially pleased to see this kind of private sector interest and involvement in the war against drugs. This carrier involvement is critical, because it sends a message to employees of these carriers that they are allies of ours in this effort and are no longer spectators in the war against drugs.

As you are well aware, Mr. Chairman, another approach used by Customs in the war against drugs is the use of Customs aircraft and vessels to intercept air and marine smugglers.

Just as cooperation between Customs and industry is playing an important role in our carrier initiatives, cooperation is a key element in our marine and air interdiction efforts as well. The best example of this cooperation was Operation Blue Lightning, a very successful special operation conducted last April in Florida. This operation coordinated State and local law enforcement activities with Customs air and marine drug interdiction forces. It was the most successful special operation ever conduted by Customs.

It worked, because we truly pooled our resources and worked together. It was so successful, that we have institutionalized the concept into the blue lightning strike force, of which you may already be aware.

Cooperation is also the key word in an agreement Customs negotiated with the Civil Air Patrol just 3 months ago. Their help should be a big shot in the arm, and we appreciate the interest and support of Congress in this effort. I might say this was an idea that was championed by Congressman English.

Mr. Chairman, in discussing the effort to stem the flow of illegal narcotics over the Southwest border by air and land, I cannot overemphasize the importance of better cooperation between United States and Mexican authorities.

For a variety of reasons, we are greatly concerned about the growing drug threat from Mexico. I can remember just 2 years ago, when Senator Hawkins and I were on a trip through various South American countries, conversations we had with Mexican officials in which we mentioned to them, told them of the concern, the growing concern that would be seen in the United States for drugs transported through and being smuggled out of Mexico. I think that the presence of this hearing here on the Southwest border is an indication that, to take the title of a song about 1 year or 2 ago, this is "Our Year" for Mexico.

There has been speculation about a shift of cocaine and marijuana smuggling from the south Florida area, caused by the concentration of law enforcement in the Southeast United States. There is certain evidence of this shift to the Southwest border.

Preliminary findings from a threat reassessment in progress show that practically all of the heroin produced in Mexico, estimated to be about 5,000 pounds, is destined for the United States. Most of the cocaine which enters Mexico is of Colombian origin and arrives there by general aviation aircraft. Of the total drugs entering the United States in 1986, we estimate that at least 35 percent of the heroin, from 20 to 35 percent of the cocaine, and approximately 30 percent of the marijuana will enter from Mexico.

The United States and Mexico must pursue cooperative programs to enhance our air detection capabilities. In the Southeast, initiatives to increase detection capabilities include the use of tethered aerostats as radar platforms to cover areas that are commonly used by smugglers. Data from these radars is sent to a Customs facility, where it is monitored and used to detect both aircraft and vessels. The aerostats have proven to be a useful tool in drug interdiction efforts in the Southeastern United States.

In response to a congressional initiative, steps are currently being taken to test an aerostat in the Southwest. We anticipate the aerostat will be located at Fort Huachuca, AZ.

The mountainous terrain of the Southwest makes it very difficult to detect low-flying aircraft, and most of the existing radar coverage is inadequate. While the Southwest aerostat may meet some of our coverage requirements, uncovered areas remain. Customs is also exploring the use of a gapfiller radar system that could be deployed in uncovered mountain areas. The radar would be simple and have a relatively short range.

The integrated use of United States aircraft conducting Mexican overflights, the aerostat, and gapfiller radar could provide an enhanced detection capability on the Southwest border.

The interception, tracking, and apprehension phases of the air interdiction mission have also been enhanced. The first of eight Customs high endurance tracker aircraft is due to be accepted by Customs in March 1986. Each of these aircraft will be equipped with an F-16 radar and miniflair for infrared detection. Once delivered, a total of five of these aircraft will be assigned to locations in the Southwest.

The Black Hawk helicopters have been an important addition to our apprehension capabilities. There are currently three deployed in the Southwest, and we are in the process of taking delivery of a fourth Black Hawk for the Southwest today.

The training of Customs pilots to operate these aircraft has been delayed, due to the grounding of all Black Hawk helicopters because of safety problems. As a result, the ability to fully utilize these helicopters at some locations has been temporarily impeded.

Customs has worked out an agreement with the Defense Department to train one of our pilots, who will then serve as an in-house instructor for Black Hawk recurrency training. However, initial ground training of our pilots to fly the Black Hawks must still be provided by the Army.

As Customs aircraft resources increase, so must the personnel level which is dedicated to the program. Over the past 16 months, the number of approved positions devoted to this program has been increased from 250 to 385. Approximately 50 percent of our air program field personnel are allocated to the Southwest.

Additionally, the committee is aware of our efforts to integrate our investigative and interdiction components into one cohesive enforcement structure. As part of this effort, 62 fully dedicated investigative positions have been allocated to support and enhance the effectiveness of the Aviation Enforcement Program. This is in addition to the 385 positions dedicated to the operation and management of the air program assets. Staff increases to the air program were due to specific actions I took to reallocate resources within Customs.

A key initiative taken this past year was to restructure administrative functions throughout Customs. To improve management control and free up a minimum of 255 positions for reallocation to other priority programs, primarily enforcement, functions such as personnel, finance, accounting, procurement, and logistics were centralized.

I would like, if I may, Mr. Chairman, to submit for the record, because I have been asked many questions about this, a list of reallocation of some and an assignment of some 797 positions that was made from June 1985 through November 1985, which describes not only the places to which the 255 positions have been reallocated, but an additional 500 positions, because I have often been asked what happened to the 255 positions. So those are contained within the 797 that are on this list. With your permission, I would like to pass this to your committee.

Senator ABDNOR. You would like to make that part of the record?

Mr. VON RAAB. Yes; please.

The process for staffing positions in Customs has historically been a lengthy one, due to complicated personnel regulations, intensive internal background investigations to ensure integrity of new hires, and comprehensive training necessary for enforcement personnel prior to reporting for duty. Nevertheless, I must admit that I am personally disappointed with the pace of our recruiting efforts in the Aviation Program. I ordered that action be taken to hire staff last February. Unfortunately, a handful of weak managers in both the Air Program and the personnel office did not act expeditiously.

These managers have been replaced, and an accelerated staffing program is now underway. Our new centralized administrative system will provide a greatly improved recruiting mechanism for the Aviation Program, as well as other programs.

I might also point out that just today, we have received direct hire authority from OPM for the hiring of pilots, which we believe will also make the process somewhat less cumbersome, and enable us to move more expeditiously.

Our recruitment efforts continue to be plagued by the competition we face in seeking qualified aviation personnel. Our requirements are strict, and as noted previously, the processing time is extensive. Airline deregulation has created a great demand for military-trained pilots, the principal source of candidates for our program. We will continue to seek ways of enhancing our recruitment and are committed to staffing the Aviation Program.

This is a very exciting time for the Customs Service. We face what some might consider overwhelming challenges. Customs has undertaken major changes in its enforcement operations to ensure that it has the best qualified agents possible. Customs has streamlined its administrative functions to provide additional manpower to frontline law enforcement functions.

We have compiled a list of what we view as some of our accomplishments over the past 3 or 4 years. You needn't necessarily make this copy a part of the record, but I would like to pass it on to you, maybe to read this evening or on your way to see the aerostat at Fort Huachuca. I think it's quite impressive.

Customs is also no longer faced with the public apathy toward the curse of drug smuggling that existed even 5 years ago. For this reason, we are getting the kind of cooperation from the public and industry that is needed to stop drug smugglers. Cooperation from the Government of Mexico on the prevention of air smuggling will be one more and absolutely essential giant step toward real success.

Mr. Chairman, I have a longer statement, which has been submitted to you. It's a statement that Customs prepared and was approved by OMB. I would ask that you accept that statement as my formal statement. I would also like to supplement my statement by indicating that in order to be responsive to the prospective reductions that will be taking place as a result of the Gramm-Rudman legislation, the Customs Service is today reducing its funding to its regions with respect to the numbers of employees that these regions will be able to fund over the next year.

I have a list of these reductions, which I would like to submit to this committee, as you are our Appropriations Committee, which I would ask, if you would, to publish in the record, if you so choose. If not, it doesn't matter.

Senator ABDNOR. I think we will put them in the record.

Mr. VON RAAB. And to understand that this will be circulated to Customs managers today, and it is premised upon a 3-percent reduction in the Customs budget.

That concludes my formal and prepared remarks, and I, of course, will be happy to answer any questions that each and every one of you may have for me.

Senator ABDNOR. Thank you, Commissioner. I am sure we do have questions.

You mentioned—well, it apparently has already taken place, with OMB and the administration, with respect to the Gramm-Rudman-Hollings provision we passed into law and wait and see if it's constitutional or not and what part of it will be. It's going to have a dramatic effect all across Government. There's no two ways about it, on the Federal level we are going to have to make some tough decisions.

I know this group feels real strongly about drug interdiction, Customs is one that shouldn't take a big cut. I suppose every member of the 535 of us in Washington have our own views on what ought to be cut. But I also point out that regardless what is said, Congress still has the first chance to do what they deem necessary to do. We set the priorities. I don't want us to ever forget that. It's easy to lay blame. I guess we all can see the people in this country echo that we have to cut out the $2 billion a year deficit spending; that it isn't fair to load up the next generation. We are living off the credit they are providing to us. They are going to pay for it, and they are going to live with less means than we have because of it. That's fine.

On the other hand, we do have great obligations, and we are talking about a problem. There is always the possibility of raising taxes if some things are so necessary to have. But we are just getting into this, and I think we are all wondering what the effect will be.

But again, I point out that before we take these across-the-board cuts, Congress and the President and OMB will be having different proposals we will be working out. This is the first I have really been acquainted with what might be coming. I am not surprised at what you said, but this is really the first positive comment or plan that I have heard coming out of OMB.

Mr. VON RAAB. Mr. Chairman, I would like to explain one point on those numbers. In the reductions we are proposing, I think you will find that most of the reductions will come from vacancies that already exist within the Customs Service, and they will not require any RIF's. And equally importantly, we have held harmless the Air Interdiction Program, the Marine Interdiction Program, the Intelligence Program, and the Office of Investigations. So none of the reductions are slated to take place in those areas.

Senator ABDNOR. That's a relief. We know that if anything, we need more and more manpower. That's why we are here today, because while we put the manpower down in Florida drug smuggling has been going to the Southwest and other parts. At the same time, we know what we are confronted with in the way of deficit spending and all that goes with it. Each of us, I am sure—I don't want to dwell on this thing, have our own views. I just happen to think things like drug interdiction are a heck of a lot more important than running AMTRAK.

I may get smashed for saying that, but I can think of a lot of things that aren't as important as other things in Government. Generally much of the public would agree with that. And that's where Congress has to show the fortitude to make those choices of priorities. I hope we will choose wisely when we make those choices.

Let me ask you, Mr. von Raab, the 1985 fiscal year supplemental provided funding for increased Air and Marine Programs. Could you outline the status of that initiative? I guess you touched on it. Could you go through and tell us where we are? The fiscal year 1985 budget is now ending. What kind of shape are we in with the 1985 budget?

Mr. VON RAAB. I can give you some numbers. On agents and patrol officers, running from—let's start with 1984, because obviously, in many cases, we anticipate the budgetary marks that we are going to be receiving from the budgetary process. In 1984, we had 4,289 Customs inspectors, 756 of whom were on the Southwest border. As we closed out 1985, we had 4,392 Customs inspectors and 783 on the Southwest border. And today we have 4,481 inspectors, 864 of whom are on the Southwest border.

As far as agents are concerned, in 1984 we had 932 agents, 139 of whom were on the Southwest border. In 1985, we had 1,066 agents, 151 of whom were on the Southwest border. And today, we have 1,095 agents, 170 of whom are on the Southwest border.

As far as planes are concerned, in 1985 we had 62 planes customswise, 34 of which were on the Southwest border; 1985, 70 planes, 37 of which were on the Southwest border. And today, we have 78 planes, 43 of which are on the Southwest border.

Boats, customswise, we had 106 boats in 1984, 172 in 1985, and 218 today. There are Southwest border figures, but as the coastline of the Southwest border is limited, I won't go into those.

Senator ABDNOR. That is quite an improvement. It shows we are making some progress. Fiscal year 1986, just recently passed that provision, and you, I realize, have only had a very limited time to begin to apply those resources. Could you outline what has taken place with regard to the staffing increases we provided in that bill that is starting to show up here?

Mr. VON RAAB. If I may, I would like to refer to the two documents which I submitted to the committee, one of which was the actions between June and November, which are the increases that were authorized to Customs, both as a result of the savings that we made from the centralization in Indiana police, but also as a result of the anticipated increases that we were receiving or would receive at the time from the 1986 budget. That is as far as it went. From those numbers, you must subtract the reductions that I submitted to you in the second document, which are the reductions that we feel we must make in order to meet a 3-percent Gramm-Rudman cut.

And so the net of the two, that is the 791 minus the reductions listed in the second document, would be the final version of the action that we would take against the congressional proposals in the resolution.

I am sorry to be so complicated. I haven't worked it out for you. If you want me to, I will be happy to make those mathematical calculations. But if you want to know the meaning, that's how they would be worked out.

Senator ABDNOR. The 3 percent, that's the figure that's set to go across the board?

Mr. VON RAAB. That's what we anticipate would be the across-the-board cut, were there no agreement between the administration and the Congress on how the reduction should be made.

Senator ABDNOR. But do you think 3 percent is going to be across the board on all provisions?

Mr. VON RAAB. Obviously there are different ranges. I mean, I have heard ranges running from 1 percent to 4½ percent. But the one that we have used for this purpose is 3 percent of our adjusted budget, which is $717 million on the nonair side. We haven't reduced our air budget at all in that exercise.

Senator ABDNOR. Thank you. I will move along, and Senator DeConcini?

Senator DECONCINI. Thank you, Mr. Chairman.

Commissioner von Raab, let me first say for the record that I am the one member who has been kind of on your back a lot. I want to compliment you and your Service for some of those increases that you went along with in the supplemental and the expeditious way in which you fulfilled those, and the maner in which you kept your commitment to this committee and other committees. And I think it's important the record show that, when you have responded as Congress has asked, this one Senator appreciates it immensely.

I understand the position you are in. You don't dictate to the Secretary of the Treasury or the OMB what is coming down under Gramm-Rudman or any budget and that you have certain appeals procedures. But in looking at the OMB recommendations for further cuts in 1986, it's clear to me that the administration is almost giving up on the Customs Air Program. I hope you can dispel that for me, but OMB is recommending a rescission of $30 million in the Customs Air Program this fiscal year, a cut of 40 percent below the funding level recommended by Congress and signed by the President in December.

Included in this recommendation is a total elimination of the P-3/F-15 Radar Surveillance Aircraft Program and the elimination of virtually all of the congressionally approved enhancements for your air and marine drug interdiction assets.

To your credit, you appealed all of these proposed rescissions, citing the devastating impact this cut would have on your ability to provide detection for drug smuggling.

Do you know why the administration is taking this strong position, and can you give us anything on the record here of encouragement or advice as to how this might be turned around? Because, obviously, your appeal has indicated and put your foursquare in opposition to this. And yet, if my information is correct that's coming down, what do you think we should do about it?

Mr. von Raab. Well, as you know, Senator, the figures which you are citing have actually never been given to the Customs Service. I'm not saying they are accurate or inaccurate. And the process which you are describing is still underway. And until the President makes a final decision, there is nothing that I am able to discuss.

Senator DeConcini. Let me ask you this, Commissioner: Do you believe there is any credibility in the figures that I have cited here—that there be a rescission of some $30 million funding?

Mr. von Raab. The Treasury Department, of which I am a part, feels very strongly that the detection, interception, and apprehension requirements of the Customs Service must be maintained by the executive branch.

Senator DeConcini. And are you now prepared to follow that appeal all the way down now?

Mr. von Raab. Yes; we are. It continues to be discussed.

Senator DeConcini. Are you in a position that you can't discuss or are uncomfortable discussing the passback from OMB to Treasury?

Mr. von Raab. We don't know what the passback is yet, so I cannot discuss it.

Senator DeConcini. You haven't received the December 12 passback? Customs hasn't?

Mr. von Raab. We have no final passback from OMB.

Senator DeConcini. I see, Well, I have every reasons to believe—here it is—that that's going to ask for a $30 million cut there, and I wondered if you had any advice on what to do to restore that, other than appeal, because I think there is ample support here to do something about it.

But I understand your position. Let me go to another one.

OMB recommendations for fiscal year 1987 are further indication that the administration doesn't feel as strong as you do, at least OMB doesn't feel as strong as you do and as strong as Congress does. OMB proposes cutting your Air Program budget from the $75 million to $39.8 million in 1987, a cut of 47 percent below the approval. In appealing the 1986 rescission, you said that without the P–3A's to provide a mobile detection capability, the Southwest border offers an unhampered opportunity to smuggling drugs into the United States with marginal detection.

I couldn't underscore or support that statement any more, because I believe you are right. In your 1987 appeal, you not only agree to give up the P–3's, or at least that is an interpretation on my part, and I hope you can set the record straight, but you make no mention of the smuggling problem in the appeal.

Is there any reason that has altered, or is that appeal final?

Mr. VON RAAB. Once again, there are limitations to discuss. But just so the position is clear, the appellate documents with respect to the 1987 budget were a lot more technical than those previous. The position of the Customs Service is that the detection that we have through the P–3's must be maintained by the executive branch. We think it's best in Customs. Now any other reading of that—I mean, that's my position, is that detection capability must be maintained.

Senator DECONCINI. Can I take it from that, that Customs, and you personally, support the P–3 Program?

Mr. VON RAAB. Yes, absolutely.

Senator DECONCINI. As far as what happens to you, are prepared to do all within your power to maintain the P–3 Program?

Mr. VON RAAB. We are maintaining, we are managing the P–3 Program as an ongoing, viable program.

Senator DECONCINI. Is it safe to say that if there are either rescissions for 1986 or cuts for 1987, that you will appeal those, whatever the process is, as they come to you?

Mr. VON RAAB. We have already appealed those.

Senator DECONCINI. You have appealed those?

Mr. VON RAAB. Yes.

Senator DECONCINI. The one that concerns me is the one for 1987. It doesn't indicate that you have appealed, but in your opinion, you have appealed the entire P–3 Program for 1987—the cuts in it?

Mr. VON RAAB. Yes.

Senator DECONCINI. Very good. Thank you.

Among the long list of drug interdiction assets that would fall by the wayside under the 1986 and 1987 budget plan is the Arizona aerostat at Fort Huachuca, an initiative supported by this committee and, I thought, by the Customs Service.

Can I ask you, if the Customs Service is still in support of this Aerostat Program in the Southwest?

Mr. VON RAAB. The Customs Service has not taken a position on this aerostat. We regard it as a congressional initiative. There certainly is more detection needed on the Southwest border. The question really is a technical one, as to whether this aerostat and its placement will serve the purpose. And so, we welcome the test and hope that it will succeed.

Senator DECONCINI. If that is rescinded or cut in the 1986 budget, what would Customs' position be?

Mr. VON RAAB. I don't know.

Senator DECONCINI. We have selected a site there at Fort Huachuca. When might you know, because I suspect that is going to be the target of rescission.

Mr. VON RAAB. The President's sequestration order is due to Congress on February 1, I believe, and I believe the budget is due around February 6. So all of these issues, nevertheless, must wait until those Presidential decisions are made.

Senator DECONCINI. Perhaps you can help us. We will be down there to look at that groundbreaking and the beginning of that. Maybe you can give us some help by Thursday, when we have the hearings down there, on what your position would be if, in fact, that was in a rescission. The reason I want to know is because it helps us to counterbalance that if we know what Customs' position is. If you happen to think that that isn't worthwhie, I would like to know.

Mr. VON RAAB. I cannot second-guess the President's budget, and you really have to wait until the President makes his final decision.

Senator DECONCINI. I understand that. But the point is, what is Customs' position? Your position is very clear, Mr. von Raab, with respect to the P-3's. What I am trying to find out is what your position is with respect to the aerostats. And if you don't want to state that now because you are not certain, fine. Maybe by Thursday you can have Mr. Rosenblatt advise us.

Mr. VON RAAB. To me, the most critical aspect of the protection of the Southwest border is to get permission from the Mexican officials to fly our planes into Mexico.

Senator DECONCINI. That's a good point. Can I take it from that, then, that you think the aerostat is certainly not as high a priority as trying to get the right to fly over Mexican space?

Mr. VON RAAB. That's correct, yes.

Senator DECONCINI. To follow that just a little further, if you don't have those alternatives—to fly over Mexican space or have an aerostat—and the only alternative is you can have aerostats or you cannot have aerostats, what is the position of Customs?

Mr. VON RAAB. If we have no money, we can't have an aerostat.

Senator DECONCINI. What if you have the money, like you do now, for an aerostat a rescission comes forward to reduce or eliminate that money for the aerostat, what will Customs' position be? Will they oppose that rescission or reduction?

Mr. VON RAAB. We always respond to those proposing such a rescission. And obviously, we explain our support of each one of those. But the ultimate decision on any one of these rescissions is not Customs'. My position with respect to this aerostat has always been lukewarm.

Senator DECONCINI. That's all I want to know. That's fair enough.

Mr. VON RAAB. Because I'm not sure of its success.

Senator DECONCINI. I'm not going to criticize you for that. I may disagree with it, but that's what's important in a hearing—what Customs believes about it, and that's what I'm trying to get at.

In your statement, you talked about flying over Mexico. You outline a plan to jointly crew the P–3 surveillance aircraft along the Southwest border with Customs and Mexican law enforcement personnel. This would apparently allow mutual drug detection missions into Mexico and the United States and help identify clandestine drug smuggling air strips. You call this joint overflight plan the sine quo non of a successful Air Program in the Southwest border.

Apparently Attorney General Meese, his counterpart and the President approved this plan, while the Mexican Government may still be studying it. I haven't heard from them, but I assume that Attorney General Meese has approved it. What reason do you have, if any, to be optimistic that Mexico will approve of this, or can you give us any information?

Mr. VON RAAB. I cannot give you any more information, except that as the Attorney General of the United States, Mr. Meese, and the attorney general of Mexico go further into their discussions, I hope and expect that this will remain a significant issue between them. I am not particularly optimistic that the Mexicans will agree to this, but I still think it's very important. I remain very, very concerned about the positions that the Mexicans take with respect to drugs.

Senator DECONCINI. Do you know firsthand the Attorney General's knowledge of the P–3 Program?

Mr. VON RAAB. Do I know, no, I don't. I was not present at the meetings in San Antonio. John Hurley was present at the meetings in San Antonio, who is our Deputy Assistant Commissioner, and he explained the possible use of the P–3 as an overflight plane to the Attorney General. The Attorney General felt that it was a good idea and put the proposal on the table with the Mexicans.

Senator DECONCINI. Do you have any reason to believe that the Attorney General knows of what appears to be a proposal by OMB to eliminate the P–3 Program?

Mr. VON RAAB. No; I don't believe he knows that, if that is the case.

Senator ABDNOR. Can we skip over to Congressman English, and then we will come back?

Congressman English, would you care to take a swing at the questions?

Mr. ENGLISH. Thank you very much, Senator.

Again, for friends in the media here in Arizona and for the public, I think it's important for people to understand the depth of the questioning that Senator DeConcini and Senator Abdnor have gone into, and I would like to keep things in perspective as we go along, Commissioner.

Again, I would like to point out what the President of the United States said 1 week ago. I think whenever the President of the United States makes a statement like this, all the troops should fall in line and everyone march off together, and that's the administration's position. Evidently, it doesn't work that way. I suppose folks today are beginning to get a little hint of that again.

As I said in the press conference, the President says, "These twin evils, narcotics trafficking and terrorism, represent the most"—not "almost the most" or "one of the most," but "the most insidious and dangerous threat to the hemisphere today."

That's pretty heavy stuff that the President is laying on the country here, about threat of drugs. And then we learned that we don't even have enough pilots to put in the airplanes that we have already got. For instance, people are aware that they have two P–3's here in Arizona. There are only four nationwide. That's all we have got in the whole country. They have been specially outfitted for this mission. Well, from December 24 until January 5, neither one of those two P–3's here in Arizona could fly. And the reason was because we had one of the guys on the crew that went on leave. One man went on leave, and these two planes are grounded, sitting on the ground, couldn't do a thing.

Then we have copies of the letter that Senator DeConcini was referring to. This is an appeal on Customs OMB passback that Senator DeConcini was talking about. Here the Commissioner is saying that the 55,000 pounds of cocaine that were intercepted in fiscal year 1985 was a 100-percent increase over the previous year and probably represented, keep in mind, folks, more than 80 percent of the Federal cocaine seized. More than 80 percent of the Federal cocaine seized.

Now if we do have one of these airplanes, and keep in mind, if you haven't a pilot to fly them or if you have one guy who is off on leave, so they can't be flown and they are sitting on the ground, here is what the Commissioner says happens: All along the whole Southwest border, all the way from San Diego to Brownsville, TX, the whole thing, Customs loses the ability to detect drug smugglers. And this is what I am talking about. If you eliminate the money for this, Customs could not continue to operate any of the P–3A's, leaving the entire Southwest border without any airborne detection capability. The entire Southwest border, San Diego to Brownsville, the whole thing is naked, wide open, nothing there.

That is where we have been. That's what happens if you don't have pilots. That's what happens if you don't have money to buy gas for these aircraft.

And the Commissioner tells us that, evidently several months ago, about 1 year ago, that his office screwed up and they didn't go out and hire pilots for these airplanes that Congress was providing.

Let's review the record a little bit more, because this subcommittee has played a tremendously important role on this. It's not often that the House gets to commend the Senate in such glorious terms, but in this case, it's totally warranted and justified. This subcommittee provided the funds to provide these aircraft, in many cases over the objections of the administration. Again, go back and remember the words of President Reagan, objecting to providing these very tools that were desperately needed in areas where the whole countryside was naked, nothing there. There was no way these enforcement officials could carry out their job. Now the Commissioner's response evidently is that we simply take this piece of detection equipment, and he says here today——

Commissioner, this is where I am coming around to, coming to this memorandum on the appeal of the passback. You say that you would propose transferring these aircraft to the Department of Defense on January 1, 1987. But I notice you said today that you feel like it's critically important that the Customs Service maintain that detection ability.

You stated that unless you have the P-3's flying, the Southwest border is completely naked with no detection capability. So to follow up on Senator DeConcini's question, the question I would like to ask you is are you telling us that you would insist on P-3A's remaining with the Customs Service and that you would insist on those P-3A's being manned; that you would insist on those P-3A's receiving the operation and maintenance money that they need to continue flying?

Mr. von Raab. The detection capability of the P-3A's must be maintained to be available to the Customs Service.

Mr. English. That didn't answer my question, Commissioner.

Mr. von Raab. Well, that was my answer.

Mr. English. Commissioner, the question I'm asking you is are you going to insist the P-3A's remain with Customs Service.

Mr. von Raab. I have made that suggestion. That is my first—that would be the ideal solution.

Mr. English. How do you square that with a statement that is made in this document here of December 9, 1985, appeal to the Customs OMB passback in which you are suggesting the transfers of these aircraft to the Department of Defense?

Mr. von Raab. Mr. Chairman, to some degree, we are going over materials, one, that are not in the public's—I realize Congress had some of these, but these are matters that will be discussed before your Appropriations Committee.

Senator Abdnor. You must have better sources, gentlemen, than I have.

Mr. von Raab. These are papers that relate to the budget process, which is not completed until the President presents his budget to the Congress.

Mr. English. I will just ask you if that is a correct statement. Is that what you would urge, if the Customs Service is going to get cut as far as the funds that are contained in this proposal, would you recommend, then, the transfer of these aircraft to the Department of Defense?

Mr. von Raab. The position, if the Customs budget were to have the money necessary to support these aircraft removed from it by the budget process, I would recommend that these P-3A's be continued to be made available by the executive branch to the Customs Service.

However, if we don't have the money to run them, then I want them run somewhere in the executive branch.

Senator ABDNOR. Does the DOD prevail upon them, the executive branch, or someone to keep these going?

Mr. VON RAAB. Were I asked if Customs were able to run these plans because it did not have the money to do it, then DOD would be a likely candidate in lieu of Customs running these planes.

Mr. ENGLISH. If I could follow up on that, Senator, that brings us back to an interesting hearing that we had several months ago before my subcommittee, in which we had the Deputy Secretary of the Treasury who came forward with this proposal, that the Department of Defense take on this detection capability. It was pointed out to him, and he seemed very slow to grasp the law, but the law prohibits the Department of Defense from flying dedicated missions in support of law enforcement. That's the law. The Department of Defense would be forced to charge any costs that were incurred on such dedicated missions to Customs and of course, they would not withstand that.

We are going to have General Tice up here in a little bit from the Department of Defense, and I am going to ask him what kind of mission that the Air Force, say, or even the Navy would have from Brownsville, TX, to San Diego, CA, flying dedicated missions for the Customs Service. Could they in any way do that without violating the law or without passing those charges on to Customs.

We pointed out in that hearing, and I think we finally came to the conclusion, a number of our people pointed it out to the Treasury Department, that that flatly is illegal. All you are doing, in effect, what you are doing is just wiping out that detection capability. It can't be done that way.

If you pass the P–3A over to the Department of Defense, in your own words, Commissioner, you could not continue to operate any P–3A's, therefore, leaving the entire Southwest border without airborne detection capability. That's what you are going to be doing. Do you care to comment?

Mr. VON RAAB. Just so I can explain my position once again, I have not proposed that the Customs budget not run the P–3A's. If however, the Customs budget does not have sufficient funds to run the P–3A's, I have taken a strong position within the Department that the P–3A's must be run and be made available to the Customs Service.

I think it would be better if Customs ran them. If however, it doesn't have the money, then someone will have to do it.

Senator ABDNOR. What you are saying, then, let's fact it, I don't envy being in your position. I mean, you have bosses, and you do what they tell you. If I had a hired man on my farm, I bet Mr. English or anyone else would fire him if he didn't do what he was told to do.

I assume you are in that position right now. But you are telling us, am I correct, that the P–3's have to run? If you have to do it halfway, because you don't have the resources then we have to find some other source to do it? I think that's where Senator DeConcini and I and

Congressman English and others in Congress have to get tough and take the bull by the horn.

Mr. von Raab. I would also point out that my bosses haven't made a decision. I don't want to preempt my bosses' decision by making a lot of statements in this hearing until a final decision is made.

I think in fairness to the decision process, it's necessary that the President be allowed to review the advice that's coming up to him and make his proposal to the Congress on February 6.

Senator Abdnor. I promise, Senator DeConcini, the minute we get something, we will go into it.

Senator DeConcini. I think, Congressman English, Mr. von Raab is only expressing the greatest frustration that we all have, and I am sure you have it, too. I guess what we are looking for from the Commissioner, what this Senator is looking for from the Commissioner, is a feeling that you are going to stand up and at least give your strong feeling that you gave to me about the P-3's. It's a little difficult when your appeals statement to the passback doesn't indicate that same strong feeling because I feel that not only does Congress bring about this, it's got to be brought about within the administration. You are the expert. You are the one that has got to advise a Secretary, and you have got to be the one who has got to convince them, as well as myself.

Mr. von Raab. I have stood up, but the discussion that takes place within the Treasury Department and between Treasury and OMB, at times of which I am a part, is, of course, privileged, because it gives the President the absolute freedom to select among the options. I can assure that in terms of witnesses before the Office of Management and Budget, during this budget round, I was perhaps the most difficult witness that they have had to deal with in some years. There is no question but that I stood up. But at the same time, I must also stand up for the decisions that are finally made by the administration.

Senator Abdnor. But we are not in that process. We are in the appeal process, and your appeal, from what Congressman English just read, is not as forceful as what you said it is.

Mr. von Raab. There are plenty of meetings and discussions that take place which I am not free to—I can tell you not only am I standing up for what we think is proper for drug interdiction, but so is the Assistant Secretary Rogers and Deputy Secretary Darman. However, the entire budget must be put together as a whole, and we must then stand by the final results of that process.

Mr. English. Commissioner, we all know any budget is put together with priorities. Priorities have to be determined, and we all recognize that. Whenever Congress puts together its proposal and its appropriations bills, priorities are certainly reached.

In this particular case, though, we have got the President of the United States, less than 7 days ago, saying that "Narcotics trafficking and terrorism are the most insidious and dangerous threats to the hemisphere today." Now you don't think the President was fooling us when he said that, do you?

Mr. VON RAAB. Absolute not.

Mr. ENGLISH. You don't think he's just blowing smoke at the American public, do you?

Mr. VON RAAB. Absolutely not.

Mr. ENGLISH. If the President of the United States is not blowing smoke at us, then he, in fact, in making that kind of a statement has certainly set a priority. And I guess the thing I have difficulty understanding, with the President of the United States, he is the man running the administration, isn't he?

Mr. VON RAAB. Absolutely.

Mr. ENGLISH. Well, now, if the President of the United States sets his priority, makes that kind of statement publicly, lays that out, I have difficulty understanding, then, why all these folks that are supposedly representing him are running around here doing these other things, evidently setting this as a rather low priority item. It's going to be very interesting to see that budget come out.

But as we look at it in relationship to some of these other items, the question in my mind is how high a priority it's going to be. That's where the rubber is going to meet the road.

Mr. VON RAAB. Congressman English, the P–3 Program is very important to the Customs, to you, and to me. It is one of the many programs that the administration is working with in order to prevent the illegal entry of drugs into the United States. There are many, many activities that are underway by this administration to prevent that action from taking place.

Mr. ENGLISH. We will keep that in mind. I am encouraged to take some heart and some strength from the President's statement.

Now you reported that over 50 percent of the aircraft seized in the Southwest region are detected as a result of transponders or beepers, resulting from investigative activity. And I know that there has been a significant reorganization of your investigative operation. As a result of that reorganization, how many transponders have been placed on suspect aircraft over the past 4 months, and how many seizures have been made?

Mr. VON RAAB. We will provide that to you.

Mr. ENGLISH. You don't have any idea?

Mr. VON RAAB. I don't have that in front of me.

Mr. ENGLISH. Do you know of a single one?

Mr. VON RAAB. I would like to be able to provide that for the record.

Mr. ENGLISH. You don't know of one?

Mr. ROSENBLATT. I'm not aware of the numbers.

Mr. ENGLISH. Last summer, the Director of the Vice President's National Narcotics Border Interdiction System testified that the entire Western United States air interdiction effort was under the command and control of March Air Force Base. He further stated that Customs was responsible for this.

Would you care to describe how one Customs official at March Air Force Base with no low-level detection system, poor Customs communication, no intelligence, and no standard operational procedures is supposed to perform such a miracle?

Mr. ROSENBLATT. One person is not sufficient.

Mr. ENGLISH. What about with no low-level detection capabilities? Is that sufficient?

Mr. ROSENBLATT. No; it is not.

Mr. ENGLISH. What about poor communications? What about no intelligence? Is that sufficient?

Mr. ROSENBLATT. That is supposed to be manned by six individuals. And part of the recruiting process, as the Commissioner just related, is——

Mr. ENGLISH. Right now, you only have one?

Mr. ROSENBLATT. That's correct.

Mr. ENGLISH. When the Vice President—this is the big center of the United States. You have one guy out there, and the best he can do is a pair of binoculars, isn't it?

Mr. ROSENBLATT. Essentially.

Mr. ENGLISH. Not much in the way of a war on drugs.

Mr. ROSENBLATT. That's one of the areas that we are improving.

Mr. ENGLISH. I see.

Mr. Commissioner, we have been told that the smuggling threat in the United States may have shifted as much as 30 percent from the Southeast to the Southwest. Whatever the accurate percentage of the shift might be, would you care to review with me how the Mexican Government is supposed to or has assisted in the air smuggling problem?

Mr. VON RAAB. They have not assisted at all, except with respect to an operation called "Ace."

Mr. ROSENBLATT. Yes.

Mr. VON RAAB. And is now called "Tequila Fly." Would you like us to describe that?

Mr. ENGLISH. We know about it, and I don't want to take the time to do it here.

Mr. VON RAAB. It is a significant operation. But I don't want to overstate the cooperation of the Mexican Government.

Mr. ENGLISH. I would also point out very quickly, I think you were mentioning that you were seeking permission to overfly Mexico with detection aircraft. If you don't have any detection planes, it's going to be very hard to do that, isn't it?

Mr. VON RAAB. Yes.

Mr. ENGLISH. Recently, a Navy E-2C conducted covert surveillance along the Arizona-Mexican border for 3 days. It flew 4 hours of coverage each day, from midnight to 4 a.m. During the total of 12 hours of coverage, they detected 11 suspect aircraft, 8 of which crossed the border at low level and were determined to be smugglers.

Are you aware of that special operation?

Mr. VON RAAB. Yes; I am.

Mr. ENGLISH. And given these significant indicators, as well as other regional estimates, what have you done to use that information and to plan with it? What changes has that brought about?

Mr. ROSENBLATT. These last several months, we have gotten together with the military relative to these flights. And I must state that the support by the P-3A in 1985, there were 34 flights flown for 162 hours, with 1,000 pounds of marijuana, one aircraft, and three arrests. With respect to the E-2C's, there were 13 cases made, 1,343 pounds of cocaine, 8,712 pounds of marijuana, one vessel, five aircraft, and 17 arrests. In total, we have had 16 cases made as a result of that military support. We intend to request, and have through General Tice's office and NNBIS mechanism, request for additional flights if available and in accordance with military readiness and preparedness.

Senator ABDNOR. Congressman, 5 more minutes.

Mr. ENGLISH. Very good. Thank you very much, Mr. Chairman.

If I remember correctly, there were only eight E-2C cases in the entire country for the last year. And I would point out to you that in this area, it's my understanding you are only flying four missions a month with those P-3's.

Given what you are telling us here, how much greater would it be if you had those P-3's flying the regular hours that we had all hoped and anticipated would be at this time?

Mr. ROSENBLATT. What would be the increase?

Mr. ENGLISH. Yes; how much of an increase would we have in arrests?

Mr. ROSENBLATT. I think it might be appreciable, once we are able to fly the P-3's on an average of 100 hours per month, based on full staffing, sir.

Mr. ENGLISH. On May 24 and 25, 1983, the 11th Conference of the United States and Mexican Customs Services in Ixtapa, Mexico, resulted in some significant decision; first, to establish immediately a teletype link between Customs regional headquarters in Houston and Mexican customs national headquarters in Mexico City, for the purpose of providing law enforcement information to Mexico under the United States-Mexico customs mutual assistance agreement.

Did that happen, and is it in place today?

Mr. VON RAAB. No; there was a great hope at the time of that meeting that cooperation between Mexico and the United States was on the upswing. It was, unfortunately, just about that time that it became clear to the United States that instead of cooperation being on the upswing, drug production, and drug smuggling was on the upswing. That link was never made.

As a matter of fact, from that point on, there were two heads of customs, of Mexico customs. It was impossible for us even to determine who was running the Mexican customs service. So that was never followed through.

Mr. ENGLISH. Do you have information, or are you aware of information, that would indicate that at least some Mexican Government officials have assisted in the transportation of drugs into the United States?

Mr. von Raab. We had a situation just a few months ago in narcotics, when a Mexican customs officer came into the United States with marijuana, and he was wearing his uniform. When we opened the trunk of his car and found the marijuana in it, we were only able to grab his coat. We brought this to the attention of the Mexican officials. And to my knowledge, they have done nothing about it yet.

We obviously asked that he be returned to the United States, but that never happened. So there is one official that we know about quite clearly.

Mr. English. Are you aware of more serious incursions into the United States by armed Mexican officials?

Mr. von Raab. We have information from informants that would support a statement that there is the involvement of many Mexican officers in drug smuggling in the United States; that's correct.

Mr. English. Moving into the United States with arms?

Mr. von Raab. In some instances, that's what the information states.

Mr. English. Thank you for your patience, Mr. Chairman.

Senator Abdnor. One last question, Senator DeConcini?

Senator DeConcini. Mr. Chairman, Congressman English raised something, and I wanted to ask Mr. Rosenblatt about it.

You said something about 100 hours a month per——

Mr. Rosenblatt. Per P–3, based on full staffing, sir.

Mr. von Raab. That's our goal with the P–3's, is to fly them an average of 100 hours a month per plane.

Senator DeConcini. Mr. Commissioner, with the 1986 budget that you now have, assuming no rescissions in the P–3 Program or anyplace else that would affect this program, is that what you will be able to supply?

Mr. von Raab. In 1986, we now have, even with the reductions that——

Senator DeConcini. That you have made as of today.

Mr. von Raab. That I have submitted to you, we will be flying the P–3's an average of 100 hours a month beginning around April or May.

Senator DeConcini. And prior to that?

Mr. von Raab. We can fly them right now somewhere between around an average of 60 hours a month right now.

Senator DeConcini. That's because of the pilot shortage, not because of any funding?

Mr. von Raab. Crew shortages.

Senator DeConcini. Crew shortages?

Mr. von Raab. That's correct.

Senator DeConcini. Can you—Mr. Rosenblatt or Mr. Commissioner; however you want to handle it—can you give us what the average monthly flights were in 1985?

Mr. von Raab. Yes; we can give you that information.

Senator DeConcini. What they have been?

Mr. von Raab. Be happy to submit that.

Senator DECONCINI. What they have been for 1986, even for a couple of months. I would like you to project the balance of 1986, whatever you think the balance would be, the maximum. That would be helpful so that we know where we are. Thank you.

Mr. VON RAAB. We can give that to you right after this meeting. We have the numbers here.

Senator DECONCINI. I would like to have that for the record.

Senator ABDNOR. Thank you, Mr. Commissioner, and Mr. Rosenblatt. We had you up here quite a while, but I am sure we are going to talk a lot more to you as the next year moves along, because it's not going to be an easy year from your point of view or from the committee, who wants to see this Drug Interdiction Program carried out like it needs to be. So we will be seeing a lot of each other, and we thank you very much.

ADDITIONAL COMMITTEE QUESTIONS

There will be some additional questions which we will submit to you for your response to the record.

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

[A brief recess was taken.]

Questions Submitted by Senator DeConcini

Question: What reason do you have to be optimistic that Mexico will buy off on this plan (joint U.S./Mexican crewing of the P-3A) when they have been so negative on overflight proposals in the past?

Answer: Our optimism is raised due to discussions with Mexican Customs officials in Monterrey, Mexico, last October. At that time, the Director General indicated interest in joint aviation operations. This interest was later buttressed by the absence of negativism when the P-3 joint crewing plan was presented at the San Antonio, Texas, conference in December, 1985.

Further positive indications were received in mid-January when the Customs Attache, Mexico City was informed that Mexican Customs had assigned the Director of Customs Policy to be responsible for the project. Our attache was also informed that they wished to have the program on the agenda at our upcoming conference in Merida, Mexico, on February 26.

Some of the factors that may have contributed to this apparent change of attitude are:

- These P-3 missions would also be manned by Mexican Customs Officers.
- Except for emergencies, there would be no landings in Mexico.
- The home base for the P-3's is conveniently located near the Mexican border.
- The aircraft would not be directly involved in an enforcement role in Mexico (that is to say the roles would be for detection and tracking only).
- The level of sophistication of the P-3 would enable the crews to accomplish tasks, that were previously difficult, with relative ease, i.e., locating and identifying clandestine airstrips inside Mexico.

Question: Is Attorney General Meese aware of OMB's recommendation to abolish the P-3 Program at Customs?

Answer: This question could be better addressed by Justice or OMB.

Question: Does the final outcome of the DOD Air Wing, with the Air Force in charge, change your thinking on the need for Customs to keep its fleet of six P-3's and if not, why not?

Answer: Yes, this outcome does change the thinking on Customs need to keep its four P-3A's (vice six, per Gramm/Rudman reduction). Proposed enhancements such as COMINT, ELINT and 360 radar development, as well as the tactical advantage of maintaining dedicated control of these high endurance airborne platforms, mitigate strongly for retention.

Customs has developed a program plan for the P-3A's which provides for maximum utilization and effectiveness consistent with state of the art developments. This decision is predicated on the assumption that Air Program budget cuts would not be of the magnitude which would limit the tactical operation of the P-3A's to such a degree that the interdiction strategy would be adversely affected. The decision to retain the P-3A's would then be based on budgetary considerations rather than the composition of the DOD air wing.

Question: In view of the fact that all of these aircraft are ones that you and the service requested for your air program, what measures will you take in these tough budget times to make sure that you do maximize the potential of these "Expensive" aircraft? Be specific.

Answer: Customs plans to maximize the potential of its interdiction aircraft to whatever limits are imposed by budgetary constraints. The aircraft referred to will upgrade the capabilities of the Air Program by replacing inefficient aircraft such as Cobras and Mohawks. If the budget allows for modification of the C-12's, we are looking at a possible dual role in both Marine and Air Interdiction for optimum utilization, particularly if marine modules are significantly impacted by the budget. The service realizes that the Detection Subsystem is the keystone of the Air Interdiction System and has programs dedicated to enhance detection capabilities such as dedicated investigative effort which provides detection through better intelligence and court ordered electronic tracking devices; increased flight hours for the P-3As; continued utilization and coordination of DOD equipment. Interdiction aircraft will be positioned to provide the most effective target response in the intercept, tracking and apprehension modes. Management is utilizing all available computer and reporting systems to ensure that all of its aircraft are utilized most effectively. Customs initiatives and operational modes described are also designed to function in a limited radar environment pending the implementation of the radar detection enhancements provided by the DOD Air Wing and strategically located aerostats.

Finally, Customs' new "Flex Force Strategy" is solely and specifically designed to derive the optimum benefit from limited assets. As already explained, it achieves certain economies in manpower while raising the state of readiness where we are approaching an around-the-clock alert status, seven days a week, in an orderly, measured, manageable manner.

Question: What are your current plans for fiscal year 1986 and 1987 to accomplish that important goal of beefing up the western aviation branches?

Answer: It is the intent of Customs that the Air Interdiction Program continue to develop its ability to respond ever more effectively to the continual national drug threat. Recognizing that a significant part of the national drug smuggling threat is directed at the southwestern U.S. and involves entry across the U.S./Mexico Border,Customs will develop and/or deploy additional resources within that geographical region.

Very recently Customs received two additional Black Hawk Helicopters (numbers 7 & 8) which will be deployed in the southwest. Five of the eight new CHET aircraft are scheduled for deployment in the southwest during FY 86 and a C-12 is expected to be deployed in San Diego in FY 87. Additionally, if funding is made available, Customs will continue to improve detection capabilities through development of the Ft. Huachuca aerostat, the acquisition and deployment of additional P-3A aircraft, development and implementation of a fully operational C^3I facility at March Air Force Base, and expanded presence at the FAA Air Traffic Control facility in Albuquerque, New Mexico.

An integral part of Customs overall plan is increased staffing that will permit Air/Marine C^3I facilities to operate 7x24 by the end of FY 86 and the Aviation Branches to achieve a 7x16 level of operation by the end of FY 87. In order to achieve this level of operational readiness Customs will work toward the goal of increasing the Aviation Program staffing from the current level of 385 to a total of 618 by the end of FY 87. It is expected that at least 50% of any staff increase will be deployed in the southwestern U.S.

Question: **What does the proposed OMB budget plan for 1986 and 1987 do to your proposed long-term strategy to place aerostat radar balloons along the southwest border for low flying drug detection?**

Answer: The OMB budget plan for 1986 and 1987 will place the Arizona aerostat project on hold. The first priority of Customs Air Program is to efficiently operate its current assets including, Citations, CHET's, Black Hawks and support aircraft. This priority also includes maintaining or increasing the present staffing of the Aviation Program nationwide.

The importance and need of southwest border detection capabilitly is not diminished by not being listed on this same priority level. The southwest aerostat project is a test bed detection asset in the growth of the Air Program.

The loss of the southwest aerostat project will delay Customs ability to test and possibly expand the detection capabilities demonstrated in south Florida to the southwest border environment.

Question: **Could you tell us what new technologies may be available for drug interdiction at the land borders in fiscal 1986, 1987, and the outyears? Be specific and tell us how close we are to new breakthroughs in drug detection technology at the southwest border.**

Answer: **In fiscal year 1986 we expect to field several devices that will assist in drug interdiction. Fiberscopes will be procured and issued to most southern land border ports. These devices will allow the Customs Inspector to look into cavities quickly, without requiring destructive ingress. Typical applications** include inspecting car doors, car bodies, gasoline tanks, and other small containers. We also expect to demonstrate a major breakthrough in X-ray technology this year. Existing X-ray devices show images of high density materials, such as revolvers. However, low density materials, such as narcotics, are frequently masked by the higher density materials. The new device uses a backscatter technique that is very sensitive to low density substances; these substances are displayed on a television-type screen as bright white images. When the low density display is placed next to the high density display, the effect is dramatic. We expect that this device will have major inspectional application.

During FY-86, Customs will complete field testing of an automatic license plate reader system. The one lane prototype system will be capable of locating and automatically reading the rear license plates of vehicles and entering the data into the TECS data base for a license plate query. If the prototype system is successful plans call for installation of a multi-lane system at a southwest border location.

In FY-86-87 Customs will realize a long sought-after capability in the development and fielding of a transportable X-ray system. This system will be towable behind a Customs vehicle for X-ray screening operations throughout the widespread facilities of an airport or seaport or for use in special operations along the land border. The unit will be air transportable for deployment where most needed and will contain the latest features in X-ray image enhancement technology. An option may be exercised to procure and field two additional units in FY-87.

A prototype Imaging Portable Contraband Detector will be developed this year and fielded in fiscal year 1987. This device uses Gamma ray backscatter techniques coupled with microcomputer 'mouse' technology to allow the user to paint a picture, or `image', a mass hidden behind an opaque barrier. This device will allow the Customs Inspector to rapidly inspect suspect vehicles and other containers for contraband hidden in close proximity to an opaque wall.

For the outyears we hope to launch a developmental effort in the area of acoustics, or ultrasound technology, for the inspection of tanks and other containers. The Acoustic Detection System would use state of the art microcomputer graphics to interpret raw acoustic reflection data and display a three dimensional image of contraband hidden in a variety of containers or behind opaque walls. Acoustics has many advantages; its ability to reflect from and discern multiple densities and its low danger to the user make it most attractive for the Customs inspectional mission.

Question: What specific steps have you taken over the past twelve months to make Voice Privacy standard equipment among your drug enforcement people nationally and specifically here in the Southwest?

Answer: Customs has been aware for a number of years that drug smugglers have adequate records as to the frequencies of Federal and State governments, including the Executive Branch and DOD. Low cost scanners have been on the market for a number of years that permit anyone to monitor the full spectrum of all frequencies, and can be programmed to monitor one or more specific frequency. With this knowledge Customs over the past ten years has worked with manufacturers and jointly with sister agencies to obtain the appropriate privacy equipment. Having identified suitable equipment, it has been Customs policy over the past five years to purchase only privacy radio equipment; i.e. clear radio equipment may not be purchased.

As a result of this policy, our inventory of privacy equipment continues to grow. Major programs, such as EXODUS, OCDE, FJTG, and others have funded privacy radios nationwide. We have specifically funded a radio voice privacy conversion program that is being implemented based on priorities developed from threat analyses. Under this program we have converted the Southeast Region, provided VHF privacy for the BLOC program, and have equipment on order to convert VHF Sector Networks in Puerto Rico and the New York Region. The South Central and Southwest Regions are the next scheduled for conversion. Boats are being equipped now, and in the future all aircraft radios will be converted to VHF voice privacy.

While these VHF systems will provide private communications for the Air and Marine programs, they cannot totally support the long-range air and marine radio communication requirements because they are limited to line-of-sight transmission. Hence, Customs is also a leader in implementing a state of the art automated and private High Frequency/Single Side Band (HF/SSB)system. Our new fixed stations used by command centers are being strategically located to take maximum advantage of the long-range transmission capabilities of HF/SSB. Here again our policy is to purchase only privacy equipment for the HF/SSB system.

Over the past year, Customs has also enhanced its secure communications capabilities. VINSON equipment has been installed on Customs aircraft to provide secure communications among our aircraft and those of the military. The VINSON secure radio network is currently operational at 10 Air Branch locations. In addition, the new CHET aircraft produced for Customs by Piper Aircraft Corporation will be configured for VINSON equipment.

Customs is also implementing a 60 station secure voice and data network installed at Air Branches, Headquarters and Regional Communications Centers, Regional Intelligence Branches, and selected Office of Investigations field and Headquarters offices. This network contains TEMPEST approved facsimile equipment and data terminals encrypted by STU-II secure telephone units. Capability has been provided at over 50 percent of the locations with project completion targeted for June 1986.

Customs has made significant progress in securing voice and data communications for enforcement operations and tactical interdiction efforts throughout the Service. We have defined and begun implementing systems that ultimately will provide all Customs enforcement communications with protection against unauthorized listeners.

QUESTION: Could you briefly tell the Committee what the new Office of Patrol Reorganization Plan will do for the Drug Interdiction effort of Customs along the Southwest Border and particularly, the Air Program?

ANSWER: In late 1984 we launched an effort to consolidate the Tactical Enforcement and Investigative functions in Customs into one, fully integrated, organization structure. Prior to the consolidation, Investigative functions were being performed in the field components of the Office of Investigations, a combination of Investigative and Interdictory functions were being performed in the field components of the Office of Tactical Enforcement and a combination of Investigative and Interdictory functions were being performed by the field component of the Air Program. The consolidation was designed to eliminate the duplicate organization structures and the overlapping of functional responsibilities that had inhibited full integration of all the investigative and interdictory efforts. The basic plan was to consolidate all investigative functions within the boundries of a district under the jurisdiction of the Special Agents in Charge. The SAC's would also oversee the interdiction activities related to all but Air Smuggling operations that took place within their districts. The Air Smuggling interdiction function remained under the jurisdiction of the Chiefs of the ASB's. By consolidating all the investigative activities under the jurisdiction of one law enforcement manager, we achieved better integration of all Customs investigative activities, guaranteed that a greater level of investigation resources could be brought to bear on specific cases, eliminated duplicate layers of management, and ensured better coordination of our activities with other Federal, State and Local law enforcement agencies.

The impact of the consolidation on the Drug Interdiction efforts in the Southwest Border will be a more effective and efficient force structured and deployed in a manner to respond to both investigative and interdiction requirements. The Air Program in the Southwest Region will benefit quite substantially from the consolidation. As part of the consolidation, we transferred responsibility for the Investigative support of the Air Program from the Aviation Support Branches to the SAC's. Concurrently, we detailed and will soon transfer all Customs Air Officers to the SAC offices. At the same time, we will retain the Bust Teams in the ASB's at their current authorized staffing. The cumulative effect on the Air Program Servicewide is an increase of 62 criminal investigators specifically and exclusively devoted to the investigative support of the Air Program. Of this number, 36 will be colocated with and will provide investigative support to ASB's positioned to interdict smuggling activities on the Southwest Border.

Question: **Statistics show that private aircraft smuggling of cocaine appears to be greatest in South Florida, followed by the Southwest border. DEA threat indicators for 1984 and 1985 show an upward trend in the Southwest -- from 25% of the total penetrations to 30% of the total.**

What does Customs data show as the magnitude of the cocaine air smuggling threat to the Southwest border?

What specific steps is Customs taking to quantify the air smuggling threat along the Southwest border, or are you relying on DEA data or are you just guessing at this point?

Answer: Each autumn the Customs Office of Intelligence prepares an annual drug smuggling threat estimate for the coming calendar year. This estimate covers all seven Customs regions and the threats from the smuggling of heroin, cocaine, marijuana, and hashish. The threat for each substance is estimated in terms of the total amount to be smuggled, the source area or source country, the amount probably destined for each Customs region and the various conveyances by which each will probably enter the country with estimates of the amounts to be smuggled by each conveyance.

This estimate is considered to be a base document, with working figures adjusted whenever justified by new data. Changes noted also form a point of departure for the next published estimate along the trend data gathered from other agencies.

The Customs drug smuggling threat for 1986 (published in October 1985) contains the following estimate for private aircraft smuggling of cocaine across the Southwest border. Estimates from the 1984 and 1985 threat estimates are included for comparison purposes. (NOTE: The entire US-Mexican border involves two Customs regions. Our Southwest Region includes the border areas in Texas, New Mexico, and Arizona. The remainder of the US-Mexican border (California) is in our Pacific Region.) It should be noted that the private aircraft estimate for both the Southwest and Pacific Region increased in our 1985 estimate over our 1984 estimate, and again in our 1986 estimate. The national total estimate decreased in 1985 compared with our 1984 estimate as a reflection of the increased airdrop activity to small boats in the Bahamas and the waters off the Florida coast. This is reflected as an increase in the small boat threat. We make our estimate based on the conveyance used to actually enter the United States.

	Southwest Region	Pacific Region	National Total
1984			
Air	5,000 lbs	2,937 lbs	75,406 lbs
Private Air	4,750 lbs	588 lbs	46,703 lbs
Commercial Air	250 lbs	2,232 lbs	28,180 lbs
1985			
Air	6,825 lbs	2,860 lbs	69,042 lbs
Private Air	6,484 lbs	2,145 lbs	37,118 lbs
Commercial Air	341 lbs	715 lbs	31,924 lbs
1986			
Air	16,336 lbs	9,211 lbs	113,760 lbs
Private Air	15,518 lbs	5,569 lbs	52,427 lbs
Commercial Air	817 lbs	3,712 lbs	61,333 lbs

Since preparation of the 1986 estimate, the Customs Service, Office of Intelligence has undertaken a special threat estimate of that portion of the US-Mexican border covered by our Southwest Region (Texas, New Mexico, and Arizona).

The remainder of the border (California in our Pacific Region) will be surveyed at a later date. This threat estimate will consolidate data from the following sources:

1) threat estimates for the entire drug smuggling situation prepared by Customs personnel assigned to the Southwest border area, guided by the Southwest Region's Intelligence Branch;

2) detailed briefings of headquarters intelligence personnel conducted by Regional personnel for in Washington, D.C.;

3) on site interviews with appropriate state, local and other Federal agency officials in the border area conducted by Headquarters intelligence personnel with local Customs coordination and assistance.

As of January 17, 1986, preliminary data from this latest estimate indicate that the 1986 threat estimate remains valid.

In addition to these projects, the Customs Service Office of Intelligence is an active participant in all drug related Intelligence Community and law enforcement community groups and committees. Customs further maintains a resident liaison with the Drug Enforcement Administration (DEA) Office of Intelligence. We are in the process of sending representatives to work with selected DEA offices overseas.

While such efforts greatly refine our knowledge of the drug smuggling threat in general and the Southwest border in particular, detailed knowledge of any specific area is gathered in proportion to Customs presence in that area. In the case of the Southwest border, the Customs presence in extensive areas between ports of entry is very limited because available Customs resources are very limited.

Customs Air Operations Reports of penetrations have remained constant, reflecting 47 percent in the area east of the Louisiana/Texas border, and 53 percent in the area west of that same line.

Question: Cocaine seizures from private aircraft for 1985 were running at least 25% above 1984 levels according to the El Paso Intelligence Center (EPIC) data. Yet Customs recently identified the cocaine smuggling threat for 1985 as "below" 1984 levels.

How do you reconcile your data on cocaine smuggling with EPIC's -- Why the big difference? Does this mean that the Customs interdiction effort might be making a difference in the Southwest?

When examined on the basis of where cocaine seizures occurred from private aircraft, EPIC data shows a remarkable degree of coincidence with Customs estimates. While data available from EPIC indicate that amount of cocaine seizures from private aircraft overall increased approximately 80 percent from 1984 to 1985, this does not reflect what occurred in any specific area. This increase is for all of the private aircraft seizures in the Western Hemisphere for which a reasonable assumption can be made that the cocaine was destined for the United States. When this data is broken down by area where the seizures were made, it provides a clearer picture of what actually took place in 1985 compared with 1984. For instance, EPIC data indicate that the amount of cocaine seized from private aircraft in the United States decreased by 15 percent. The largest increase in amount seized occurred in South America, followed by the Caribbean area. While there was a significant increase in the amount of cocaine seized from private aircraft in Mexico, over five times as much was seized in the Caribbean.

The Customs drug smuggling threat for 1985 (published in October 1984) contains the following estimate for private aircraft smuggling of cocaine across the Southwest border. Estimates from the 1984 and 1986 threat estimates are included for comparison purposes. (NOTE: The entire US-Mexican border involves two Customs regions. Our Southwest Region includes the border areas in Texas, New Mexico, and Arizona. The remainder of the US-Mexican border [California] is in our Pacific Region.) It should be noted that the private aircraft estimate for both the Southwest and Pacific Region increased in our 1985 estimate over our 1984 estimate, and again in our 1986 estimate. The national total estimate decreased in 1985 compared with our 1984 estimate as a reflection of the increased airdrop activity to small boats in the Bahamas and the waters off the Florida coast. This is reflected as an increase in the small boat threat. We make our estimate based on the conveyance used to actually enter the United States, not the conveyance used to transport the drug the majority of the journey.

	Southwest Region	Pacific Region	National Total
1984			
Air	5,000 lbs	2,937 lbs	75,406 lbs
Private Air	4,750 lbs	588 lbs	46,703 lbs
Commercial Air	250 lbs	2,232 lbs	28,180 lbs
1985			
Air	6,825 lbs	2,860 lbs	69,042 lbs
Private Air	6,484 lbs	2,145 lbs	37,118 lbs
Commercial Air	341 lbs	715 lbs	31,924 lbs
1986			
Air	16,336 lbs	9,211 lbs	113,760 lbs
Private Air	15,518 lbs	5,569 lbs	52,427 lbs
Commercial Air	817 lbs	3,712 lbs	61,333 lbs

In spite of sparse radar coverage along the Southwest border, Customs air interdiction has been a factor in that area. To a great degree, the success of air interdiction in the Southwest is the result of good pre-interdictory investigations and cooperation with other Federal, state, and local law enforcement agencies.

Question: **The ever changing nature of the cocaine air threat from the Southeast to the Southwest and other regions show the need for accurate, up-to-date intelligence from EPIC and other intelligence sources. Yet it seems that our law enforcement sources are not providing Customs with accurate, timely tactical intelligence that it can use to make drug seizures and interceptions.**

What is your assessment of the quality and timeliness of the intelligence that you are getting from EPIC and other sources to help you do the job in the southwest. Give me three specific steps you would take to improve drug intelligence sources in the Southwest.

Answer: EPIC itself does not collect intelligence, rather it serves as a conduit for intelligence collected by others and as a central clearing house for lookouts. EPIC passes real-time tactical intelligence it receives accurately and on a timely bases, within the limits imposed by the originating agency in the form of classification and handling restrictions. Customs has a very limited capacity to receive and handle classified information. EPIC acts as a repository for other intelligence it receives, providing this to Customs upon request, again within the constraints assigned by the originating office. EPIC further analyzes certain types of data available and publishes intelligence in the form of studies on a periodic basis. While not in themselves tactical intelligence, these studies are valuable.

Intelligence available from other agencies is, for the most part, not real-time private aircraft related tactical intelligence, but is useful as background information to provide indicators about drug smuggling trends. DEA intelligence that reflects real-time tactical intelligence usually results in FAA lookouts. Customs officers remain one of the most prolific and valuable sources of tactical intelligence related to private air smuggling. These Customs officers drive their tactical intelligence from developed sources of information and confidential informants. Their productivity is in direct proportion to the resources available for the development of information in and around the areas of interest.

Customs proposals for the three most productive initiatives to increase the base of actionable drug interdiction intelligence are;

1) increase cooperation with Mexican government officials through three projects that are proposed or are under way; Customs will place an officer briefed on intelligence requirements in the American Embassy in Mexico City to collect and report intelligence of tactical value; under project Tequila Fly, Customs will have access to various Mexican Air Traffic Control (radar) sites to obtain an earlier fix on suspicious radar tracks; Customs has proposed joint US/Mexican crews for P3-A aircraft to overfly both the US and Mexican sides of the border area;

2) improve the radar coverage of the border area to eliminate the numerous and extensive gaps believed to be actively exploited by smugglers flying across the US-Mexican border;

3) while the first two deal directly with acquiring information, our third proposal would insure that, once acquired, such information could be exploited. Customs requires a greatly expanded capability to accept information rapidly and securely from the headquarters level to the line officer level. Lacking such a capability, increased tactical intelligence cannot reasonably be expected to reproduce a significant improvement in interdiction.

QUESTION: **COULD YOU GIVE US YOUR THOUGHTS ON THE ROLE NNBIS IS PLAYING HERE IN THE SOUTHWEST AND GIVE US EXAMPLES OF WHERE NNBIS HAS REALLY MADE A DIFFERENCE IN HELPING CUSTOMS MAKE DRUG INTERDICTION CASES?**

ANSWER: It is our contention that the GAO report is not totally valid, in that it only addressed the first year of NNBIS existence. We feel that the Southwest NNBIS Center fills a vital role for the acquisition and coordination of military assets and Customs resources.

Previously, DOD assets which were available through NNBIS, were only available as the DOD saw fit. At the present time however, NNBIS is in a position to request assets from DOD where and when Customs needs them.

An example of a recent seizure shows the value of this cooperative effort. On Aug 21,1985 a Navy E-2c detected and tracked a radar target, vectoring Customs Air and ground units to the scene. Approximately 600 lbs of marijuana were seized

An example of the number of sorties* flown by DOD aircraft and assistance in support of Customs operations along the southern border is as follows.

	1983	1984	1985
NAVY E-2c	12	51	48
MARINE OV-10	24	37	33
Marine Radar (portable ground)		10 8hr days 30 24hr days	20 8hr days 30 24hr days
Army Radar (portable ground)		10 8hr days	10 8hr days
Air Force E-3 (AWACS)	approximately 18 sorties per year		

* sortie = 4.5 hrs flight time

The El Paso NNBIS Center has acquired 20 discrete frequency radios from DOD to be utilized by Customs personnel in the Star County, Texas area.

Question: Commissioner, it appears that the budget picture is so gloomy at Customs for this year and next year, that you are even suggesting that the old, tired, and Congressionally-rejected INS-Customs primary inspection consolidation plan be resurrected. This plan would apparently be a rehash of the plan that Chairman Abdnor and I rejected a few years back --- a plan that would give INS primary inspection functions at the land borders. I believed it then and I believe it now that this would seriously dilute and reduce our drug enforcement efforts at the land borders. INS has little expertise in drug enforcement and it is just not high on their list of priorities. You apparently think that this plan would allow Customs to give up 500 positions next year.

Q: Why in the world would you or the Administration want to embrace such a plan that would have such a serious drug enforcement effect on the land borders? Isn't this just one more symptom of the cavalier attitude OMB and the Administration have toward border drug enforcement.

Answer: First, let me state that I did not suggest that the INS-Customs primary inspection consolidation plan previously rejected by the Congress be reintroduced. What I proposed would transfer the INS primary function to Customs at all ports. I believe Customs can perform the INS primary function at all U.S. and preclearance airports as well as all land border ports with 487 additional inspectors. As INS has 987 primary inspectors, this new plan would result in a net savings to the government of 500 positions. With Customs as the lead agency at the borders our drug enforcement efforts would not be hampered.

Question: **What are the major accomplishments of the Customs Contraband Enforcement Teams operating at the land ports of entry in the Southwest? What level of resources is Customs putting into these interdiction teams?**

Answer: The Office of Inspection and Control and CET are specifically charged with the examination of persons, conveyances, and cargo arriving within the port of entry. The CET units in the Southwest have therefore been concentrated at our largest border ports. When reviewing the attached statistics it must be noted that CET was used as a border security unit for the six months following the abduction and murder of a DEA Special Agent.

The primary function of CET on the Southwest borders has been the intensive examination of persons and vehicles referred to them by the primary inspectors. They have also been used as rovers in front of primary inspectors at some ports. CET is usually responsible for the dismantling of butane tanks and vehicle compartments in secondary.

A secondary function of these teams has been the examination of cargo. Trucks and cargo targetted for enforcement examination are referred to CET. Headquarters has directed CET to shift these priorities this year. It is felt that much larger shipments of narcotics will be found in cargo and containers than on persons or in automobiles.

The CET units have also been used for several special operations. These have shown limited success because it is so obvious to smugglers when CET is on the scene. Some of these projects (private aircraft, out-bound searches, currency searches) have shown promise and will be expanded in FY 86.

MARIJUANA FY 85

Port	CET	Port Total	CET %
Brownsville	527.7 lbs.	1,859.3 lbs.	28%
Laredo	2,855.7	4,536.2	63
El Paso	1,566.5	10,512.4	15
Nogales	386.4	4,680.9	8
San Ysidro	8,788.2	19,094.3	46
Calexico	1,326.6	14,222.3	31
Totals	15,351.1 lbs.	44,905.4 lbs.	34%
National Totals	122,433 lbs.	200,564 lbs.	61%
Border % of National	12%	22%	

MERCHANDISE FY 85

Port	CET	Port Total	CET %
Brownsville	$ 83,293	$ 688,031	12%
Laredo	913,105	1,846,530	49
El Paso	895,942	1,604,353	56
Nogales	133,956	203,125	66
San Ysidro	63,596	869,128	7
Calexico	862,436	1,104,369	78
Totals	$ 2,959,328	$6,315,536	47%
National Totals	$102,438,792	$201,645,930	50%
Border % of National	29%	31%	

PERSONNEL FY 85

Port	CET	All Inspectors	CET %
Brownsville	12	48	25%
Laredo	12	100	12
El Paso	16	126	13
Nogales	11	50	22
San Ysidro	16	126	13
Calexico	10	59	17
Border Total	73	509	14%
National Total	559	4,615	12%
Border % of National	13%	11%	

Question: WHAT HAS BEEN THE ADMINISTRATION'S DISPOSITION TOWARD YOUR 5-YEAR PLAN AND, PARTICULARLY, YOUR CALL FOR SUBSTANTIAL AIR INTERDICTION PERSONNEL OVER THE NEXT 5-YEARS. BE SPECIFIC.

Answer: The document to which you refer is not an official Customs plan, but only a staff working paper. It includes many proposals and assumptions that are not approved or accepted by myself or the Department of Treasury. The plan was prepared simply as an exercise so that we might look at some potential staffing levels.

With Administration Support, the Customs Service has made strenuous efforts to provide adequate staffing for available air resources. In fact, at this time, we do have sufficient staff on-board and in the recruitment/training pipeline to more than adequately utilize aircraft currently on-board or scheduled during the year.

Question: WHAT WOULD OMB'S 5-YEAR BUDGET PLAN DO TO THIS COUNTRY'S ABILITY TO LAUNCH AN EFFECTIVE AIR INTERDICTION PROGRAM AGAINST A WELL-FINANCED HIGHLY SOPHISTICATED DRUG SMUGGLER EMPIRE?

IS THERE ANY WAY WE CAN KEEP UP WITH THE DRUG SMUGGLER WITH THOSE NUMBERS?

Answer: As stated earlier, the figures in the 5-year plan are not official policy and only represent a hypothetical situation. Therefore, neither Customs or the Administration accepted the 5-year budget levels as required for effective interdiction against air smuggling.

The current OMB budget levels for FY 1986 and 1987 assume that full air operations will continue without interruption. Every aircraft currently on-board and those scheduled to be delivered (8 CHETS) will be fully utilized. Furthermore, we believe that this program level will achieve good results against air smuggling. Customs detection is significantly improved over earlier years and our interception capability will be greater when the eight CHETS are operational. Whether we can keep up with the smugglers remains to be seen.

Question: WHAT DO YOU MEAN BY THE LAST STATEMENT REGARDING MICROMANAGEMENT BY CONGRESS "REACHING INTOLERABLE LEVELS."

Answer: The term "micromanagement" as used in the reference document, which was only for internal management review, refers to the overly specific directions incorporated in the Air Program Operations and Maintenance (O&M) Appropriation Report. In contrast, the Customs "Salaries and Expenses" account, where the Congress usually authorizes appropriations by major activities, the Air Program account is a specific spending plan with minimal flexibility or decisionmaking for Customs management.

The point made in the referenced document was that any further reductions imposed on Air Program O&M would influence the Congress to even further specificity in its authorization of funding for this program.

A similar concern for a "rigid directive" for the Air Program was noted by the Congress in the Conference Report (99-349) accompanying H.R. 3036. As the Congress itself noted, Senate Report 99-133, which includes a detailed spending plan for the Air Program, "will severely restrict the flexibility of the Commissioner of Customs and his Air Program staff to effectively manage this important drug interdiction program". Therefore, our statement quoted from the appeal document was consistent with the view that Congress should establish policy and priorities, but the Customs Service should retain the flexibility of how assets are managed and activities funded.

Question: COULD YOU TELL US WHAT THE CURRENT STATUS OF SOUTHWEST BORDER STAFFING IS TODAY IN LIGHT OF THE PERSONNEL AND BUDGET ACTIONS I HAVE OUTLINED ABOVE?

Answer: The actions you outline in your questions, have all contributed to strengthening Customs overall enforcement effort and to the allocation of 797 hires since June 1985. Included in these figures are 229 inspectors, 30 canine officers, 23 special agents, 30 intelligence research specialists, 90 Customs investigators, etc. Specifically with regard to the Southwest border, we approved the hiring of 100 inspectors and 12 canine officers, as well as other supporting personnel. Substantial increases for the Air Program also were approved.

The base figure for the Air Program of 314 personnel authorized in September, 1985, will by augmented by 71 pilots and air officers, and an additional 62 Customs investigators will be assigned to air smuggling cases. Current staffing for the Air Program should be more than adequate through FY 1987.

Question: WHAT SPECIFIC STEPS HAVE YOU TAKEN TO IMPLEMENT PHASE 1 OF THIS INITIATIVE AS APPROVED BY CONGRESS FOR FY 1986?

Answer: We appreciate Congressional concern for the security situation along the Southwest border. It has been dangerous for a number of years, but in 1985 we noted a significant deterioration, resulting in an immediate threat to Customs inspectional staff. As you are aware, we closed nine ports until the security for our inspectors was improved.

Therefore, as soon as resources were available, we approved the hiring of 95 inspectors along the Southwest border specifically for upgraded security.

Question: HOW DO YOU INTEND TO IMPLEMENT THE NEXT TWO PHASES OF YOUR MEXICO BORDER SECURITY AND NARCOTICS STAFFING PLAN IN LIGHT OF GRAMM-RUDMAN AND THE ADMINISTRATION'S PLANS TO CUT BACK CUSTOMS STAFFING OVERALL IN THE NEXT FISCAL YEAR?

Answer: We anticipate that it will be significantly more difficult to provide substantial increases to any of Customs enforcement programs in FY 1987. However, we are prepared to convert selected non-enforcement positions to enforcement as they become available. Under these circumstances, it will not be possible to allocate the staffing levels you identify, but enhancements will be possible at the most critical locations. We will, of course, take whatever actions are possible within our budget to equip the staff on the Southwest border.

Question: WHY IS THE ADMINISTRATION THROWING IN THE TOWEL ON YOUR AIR PROGRAM BEGINNING ONLY A FEW WEEKS AFTER THE SIGNING OF THE CONTINUING RESOLUTION LAST MONTH?

Answer: The Administration is not throwing in the towel. In fact, it continues to support an air interdiction program. The tight budget situation and the deficit problems are forcing the Administration and the Congress to reduce expenditures wherever possible. As a result, only programs that have demonstrated a proven effectiveness against drug smuggling can be retained at full resources levels. Therefore, the Administration has curtailed new developments in the Air Program, but is still supporting the current operating level. The proposed budget for FY 1986 and FY 1987 continues operations above the FY 1985 level.

Question: HOW CAN YOU SERIOUSLY BELIEVE THAT LAW ENFORCEMENT AT CUSTOMS WILL BE ENHANCED IF YOU ONLY GET HALF OF THE POSITIONS YOU ORIGINALLY REQUESTED FOR LAW ENFORCEMENT?

WHAT SPECIFIED IMPACT WOULD EITHER OMB'S MARK OR YOUR APPEAL LEVEL HAVE ON THE SOUTHWEST BORDER AND, PARTICULARLY, DRUG ENFORCEMENT ALONG THE BORDER? BE SPECIFIC AND TELL US WHERE YOU WOULD HAVE TO CUT BACK.

Answer: The reference to a $50 million rescission and a cut of 1,390 positions referred to in your question are no longer applicable to the Customs current budget level for FY 1986. While there is still a cutback in staffing for FY 1986, the proposed current budget level, does not require a "major RIF or furlough of inspectors, import specialists, and enforcement officers."

Statements referred to in the appeal document must be placed within the context of the situation to which we were responding. With reference to enhanced law enforcement, we were supporting the smaller reduction proposed by the Customs Service. Furthermore, we highlighted the problems related to the reduction including its impact on the restoration of the 887 positions, which included the conversion of 255 former administrative positions to enforcement programs. These converted enforcement positions would have been lost under the proposed reduction. Therefore, on a relative basis, the Customs proposal would have had less impact on law enforcement.

At this time, it is not possible to fully measure the impact of Gramm-Rudman and other reductions on overall drug enforcement and in particular on the Southwest border. Although the specific geographic and program reductions are as yet not determined, we will attempt to minimize the impact upon Customs enforcement effort. Whenever possible, reductions will be directed to non-priority programs.

Question: WHAT IN THE WORLD IS CUSTOMS POSITION ON THE P-3/F-15 DRUG SURVEILLANCE AIRCRAFT PROGRAM ON THE ONE HAND, AND A CONDEMNATION OF THE PROGRAM IN THE NEXT PARAGRAPH?

Answer: As we have stated in our previous responses, the data on the OMB passbacks and Customs appeal no longer accurately reflect the proposed budget levels for FY 1986 and 1987. Under the current budget proposed for FY 1986 and FY 1987, the P-3A program will continue in both years. It will be fully supported by all aircraft currently available and those scheduled to become part of the Air Program through FY 1987.

We believe that P-3A aircraft are a valuable and effective detection platform. They provide the mobile radar detection required to supplement fixed radar sites and to fill the gaps in detection capability along the Southwest border. At no point did Customs support abolishment of the P-3A program; however, within the context of the initial budget passback, Customs proposed to retain their role, but under DOD operational management.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

STATEMENT OF RICHARD C. JOHNSON, SPECIAL AGENT IN CHARGE, PHOENIX DIVISION, DRUG ENFORCEMENT ADMINISTRATION

ACCOMPANIED BY STEPHEN N. McNAMEE, U.S. ATTORNEY, ARIZONA

PREPARED STATEMENTS

Senator ABDNOR. Mr. Johnson and Mr. McNamee, we thank you for appearing before us today. We would ask you to summarize your statements. You can see we ask a lot of questions around here, and it does save time. I can assure you your entire written statements will be made a part of the record.

So with that, we will call first on Mr. Johnson, and perhaps you would summarize your statement.

[The statements follow:]

STATEMENT OF RICHARD C. JOHNSON

Mr. Chairman and Members of this Committee. I am delighted to welcome you to Arizona as you explore the current drug trafficking and abuse situation throughout this area. As the Drug Enforcement Administration's Special Agent in Charge of our Phoenix Division, I am pleased to appear before you today to discuss the drug trafficking situation in Arizona.

This state's geography makes it an ideal location for drug trafficking activities of various types. Arizona's extended border with Mexico, as well as its large tracts of public lands pose special challenges to law enforcement.

DEA has 47 agents assigned to the Phoenix Division, which covers nearly 114,000 square miles. This division has offices in Phoenix, Tucson, Nogales and Yuma. In addition to the DEA personnel assigned to the division, we have state and local task forces in Phoenix and Tucson. We also maintain close working relationships with the Federal Bureau of Investigation, the U. S. Customs Service, the Internal Revenue Service, the Immigration and Naturalization Service and other Federal, State and local agencies.

Before describing our enforcement initiatives in this area, I would first like to provide you with a brief summary of the general drug trafficking situation in the Phoenix Division.

Heroin

During the past several months, there has been a significant increase in heroin activity in Arizona, particularly along the Mexican border. While some limited quantities of heroin from Southeast and Southwest Asia are occasionally available, the majority of heroin encountered in Arizona is of

Mexican origin. It is most frequently found in a dark gummy form known here as "tootsie roll." Purities of up to 70 percent are common and ounce prices range from $3,500 - $5,500 depending on point of delivery.

Distribution continues to be centered in and throughout the Hispanic communities in the cities, with shipments coming through several border crossings from Mexico. Arizona is also a transshipment area for Mexican heroin destined for California and other parts of the nation.

Cocaine

Cocaine remains the drug of choice in Arizona and is widely available throughout the State. Arizona is becoming increasingly popular with South American and Mexican-based traffickers for cocaine smuggling. This was first seen beginning with several seizures of NEAR one ton each in Gila and Mohave counties in 1984 and has been further evidenced by the steady increase in the volume of cocaine seizures over the past year.

Some air smuggling groups operating out of Mexico have been severely disrupted because of the intense investigative activities by DEA and other agencies in connection with Operation Padrino, which I will describe in detail in a few minutes. Some cocaine is also being driven across the Mexico/Arizona border.

As law enforcement pressure continues in the southeastern part of the United States, we believe that Arizona may become more and more active in major international cocaine trafficking activities.

Local distributors in Arizona readily obtain kilogram and multikilogram quantities of cocaine from Mexico and Florida.

There are also indications that violators from other areas have been coming to Arizona to expand their trafficking activities and develop new markets.

Dangerous Drugs

Clandestinely manufactured amphetamine and methamphetamine are the primary dangerous drugs available in Arizona. These substances are generally obtained from outlaw motorcycle gang sources in southern California and are distributed locally by low-level motorcycle gang members. Small quantities of LSD are also periodically encountered, as are psychedelic mushrooms.

The ready availability of precursor chemicals needed for the manufacture of dangerous drugs is a significant problem in Arizona. Because California and Nevada enacted legislation restricting the purchase and possession of chemicals used in clandestine production of dangerous drugs, over the last two years we have noted an increase in the number of traffickers from these states coming to Arizona to purchase these precursor chemicals.

DEA is currently working with the Arizona Department of Public Safety (DPS) on legislation which will place controls and restrictions on the movement of precursor chemicals in Arizona. It is anticipated that this legislation will be introduced to the Arizona State Legislature in the near future.

Marijuana

The smuggling of marijuana produced elsewhere and the local cultivation of cannabis are ubiquitous problems in Arizona. Mexican marijuana is smuggled into Arizona by vehicles and aircraft. The remoteness of much of the state and the abundance of clandestine airstrips are very conducive to marijuana smuggling and growing.

Cultivation of cannabis is widespread and ranges from small efforts to large commercial operations. For example, the Maricopa County Sheriff's Office was recently successful in disrupting an operation which had over 20,000 marijuana plants growing in greenhouses in the Phoenix area. Many domestic marijuana cultivators show highly developed levels of sophistication and technical expertise.

During this past fall, an investigation by DEA and the DPS resulted in several arrests in Jerome, Arizona. Among the defendants charged with conspiracy to grow marijuana were the chief of police, two elected council members, and the former mayor.

Increasingly effective working relationships between DEA and various state and local agencies have led to significant increases in domestic marijuana seizures during the past year.

I would now like to describe some of our more significant enforcement activities which we are utilizing to address the drug problem in Arizona.

State and Local Task Forces

The Drug Enforcement Administration has long recognized the absolute necessity for close cooperation with our state and local counterparts. Two formal state and local task forces exist in Arizona, one in Phoenix and one in Tucson. The Phoenix Task Force currently includes DEA personnel and Arizona Department of Public Safety officers. Proposals are pending to expand this task force to include officers from five metropolitan Phoenix police departments. The recently established task force in Tucson includes DEA and DPS personnel, as well as representatives from the Tucson Police Department and the Pima County Sheriff's Office.

The October 1985 indictment of 84 defendants in the Phoenix area involved with the distribution of cocaine is one good example of a successful task force investigation. Most of the defendants were from the Scottsdale, Arizona area and many were associated with a high school in Scottsdale. This major conspiracy indictment, which gained nationwide media attention, resulted in the disruption of a well-established local cocaine distribution network.

Drug Abuse Awareness in the Community

The indictment and the attendant publicity also raised the public's awareness of the vulnerability of all segments of society to the damaging effects of substance abuse. As a direct result of the indictment and the subsequent publicity, a two-day substance abuse awareness conference sponsored by the Maricopa County Attorney's Office and the Phoenix Police Department was held in Phoenix in mid-December 1985. This seminar concentrated on the issue of substance abuse in secondary schools. DEA Administrator John C. Lawn gave the keynote address.

Operation Padrino

DEA's Phoenix Division has played an extremely active role in the worldwide investigation of the South American/Mexican cocaine cartel of Juan Ramon Matta-Ballesteros, Miguel Angel Felix-Gallardo and Rafael Caro-Quintero. This case has been well-publicized as a result of the kidnapping, torture and brutal murder of DEA Special Agent Enrique Camarena in Guadalajara in

February 1985, which we believe was perpetrated by several members of this cartel.

The seizure of over 1,600 pounds of cocaine in Gila County in August 1984 by local authorities played a key role in the development of a conspiracy case against the upper echelon of this Guadalajara-based organization.

The focal point of the Phoenix Division's investigation was a Phoenix area resident who had served the cartel as an organizer of off-load crews, as well as a transporter of major amounts of cocaine from Arizona to California. As a result of the multi-agency and multi-jurisdictional approach taken by law enforcement, a Federal grand jury in Phoenix indicted 21 members of the Guadalajara group in late 1984.

Air and Land Smuggling Patterns

The State of Arizona provides ideal conditions for smuggling by air. It has: wide open geographical areas, year-round excellent flying weather, a proliferation of clandestine landing strips, and many remote areas. Limited personnel and financial resources in many of the more sparsely populated counties of Arizona exacerbate the problem. Although there is excellent cooperation between and among various agencies at the Federal, State and local level, there are simply not enough resources to cover the entire state adequately to prevent this type of smuggling.

Recent intelligence trends indicate that air smuggling of cocaine has waned and we believe that many Mexican traffickers are stockpiling cocaine in Mexico for transportation overland by vehicle into Arizona. In late 1985 a DPS highway patrolman seized over 40 pounds of cocaine during a routine traffic stop on a highway between Nogales and Tucson.

The smuggling of marijuana by air has been common in Arizona for years, but recent trends also indicate that considerable amounts of marijuana are being smuggled into Arizona by vehicle. The number of seizures of marijuana along the Mexican-American border has increased steadily since 1983. We believe traffickers from Mexico are stockpiling marijuana in Mexico and then transporting it in small amounts by vehicle to staging areas in Tucson and elsewhere.

A seizure of over 30 tons of marijuana by Pima County authorities in March 1984 led to a joint Federal/State investigation under the auspices of the Organized Crime Drug Enforcement Task Force and resulted in five indictments and five arrests. Additional indictments are expected.

Even though recent trends show some decrease in air smuggling activities, I anticipate that air smuggling of cocaine and marijuana into and through Arizona will continue and eventually increase.

Conclusion

Mr. Chairman, we have achieved significant enforcement accomplishments. Without the close cooperation of law enforcement authorities in Arizona and elsewhere, many of these significant successes would not have taken place.

Thank you very much for providing me with this opportunity to appear before you today. I would be pleased to answer any questions that you or members of the committee might have.

STATEMENT OF STEPHEN M. MCNAMEE

I appreciate the opportunity to appear before you to discuss the role of the United States Attorney's Office in the District of Arizona in prosecuting drug cases within our borders. The opportunity will be rewarding in another aspect. This is my first time testifying before a Congressional body, and it is a pleasure to do so in Arizona before an Arizona Senator.

Geographically, Arizona is the ~~fifth~~ sixth largest state containing approximately 113,508 square miles, over 400 miles of international boundary with the Republic of Mexico, ~~21~~ 20 Indian reservations and the ninth largest metropolitan area in the country (Phoenix). The large, unpopulated areas and numerous isolated air strips make our terrain ripe for air smugglers entering the United States from the Republic of Mexico. The extensive boundary with the Republic of Mexico generates other forms of drug smuggling activities as well.

I understand that representatives of the United States Customs Service, the Drug Enforcement Administration and the Federal Bureau of Investigation will be testifying before this committee, and I do not wish to duplicate many of the statistics and examples submitted by those agencies. Instead, I wish to focus on the role of the United States Attorney's Office in prosecuting narcotics cases and specifically draw attention to the tremendous resources necessary to prosecute major cases brought by our attorneys assigned to the Organized Crime and Drug Enforcement Task Force (OCDETF).

Arizona is part of the Southwest Border Organized Crime Drug Enforcement Task Force District; other United States Attorney's Offices comprising the Southwest District are the Districts of Southern California and New Mexico. In the initial allocation of resources Arizona was allotted three OCDETF attorneys and two support staff. Through recent allocations made in 1985, Arizona was allotted an additional three attorneys and three support staff. We wish to thank Congress for authorizing additional funds and positions to combat drug trafficking. When we are fully staffed, four of the attorneys and three support personnel will be in our Phoenix office and the remaining individuals, two attorneys and one support personnel, will be in Tucson. It should be noted that narcotics prosecution is one of our major goals, thus other members of our staff are assigned to prosecute narcotics cases also. In addition, we work with state and local prosecutors to make the best use of available resources on all levels.

Prior to the creation of the OCDETF as a formal body, Arizona served as one of the models for that program. Arizona had a very active drug prosecution policy and a working Financial Task Force composed of agents of the Drug Enforcement Administration, Internal Revenue Service, U.S. Customs Service and Bureau of Alcohol, Tobacco and Firearms plus participants from local and state agencies.

To illustrate the labor intensive nature of major narcotics prosecutions undertaken by OCDETF attorneys, I shall synopsize United States v. Harold Garmany, et al, a case prosecuted by OCDETF attorneys in our Phoenix office, which gained national recognition.

The Garmany organization was a large scale marijuana and cocaine distribution ring operating principally in the states of Florida, Georgia, Alabama, Tennessee, South Carolina, North Carolina and Arizona from late 1979 to early 1982, with over 100 individuals involved.

The Garmany investigation commenced in August, 1982, after Garmany was arrested as a federal parole violator, through the efforts of one assistant U.S. attorney, and three Financial Task Force agents, one each from IRS, DEA and FBI. With the creation of OCDETF, the case was brought under the OCDETF banner with its expanded resources for further investigation and prosecution.

The investigation continued until April of 1984 when a federal grand jury in Phoenix returned an indictment charging 39 defendants with 77 counts of violations of federal statutes. A copy of the indictment which illustrates the magnitude of the case has been supplied to members of the staff of this Subcommittee.

The investigation disclosed that the organization, headed by Harold Garmany, distributed in excess of 200,000 pounds of marijuana and 80 kilograms of cocaine and generated gross revenues of approximately $64 million dollars. Through the assistance of two co-defendants, who were also Illinois' attorneys, Garmany was able to launder money off shore utilizing bankers and financial consultants in Liechtenstein and the Netherland Antilles.

Two individuals, Harold Garmany and Rex Ryland (an attorney from Florida), were charged with operating a continuing criminal enterprise, which is a violation of the drug kingpin statute. Other violations alleged included one count of conspiracy to commit RICO, and one drug conspiracy count under 21 U.S.C. 846 charging 265 overt acts. There were multiple substantive charges of RICO and firearms violations in addition to several counts of interstate transportation in aid of racketeering, harboring fugitives and extortionate credit transactions.

Once in the pre-trial stage, the case quickly centered on the familiar "motions practice". There were sixteen bond hearings and five detention hearings. Defense counsel filed 87 pre-trail motions on behalf of their clients and the United States filed ten pre-trial motions. All these motions resulted in 17 hearings including two major motions to suppress evidence. In order to have the case prosecuted through the court, the case was severed into multiple trials of designated defendants. Many long hours over many months were spent by the trial team preparing to prove the allegations set forth in the indictment.

The first trial commenced on March 6, 1985 against five defendants. The Government assigned four full-time attorneys to this project, one of whom was a Deputy Maricopa County Attorney who was cross-designated as an Assistant United States Attorney. The trial lasted 11 weeks and concluded on May 22, 1985, with convictions against all defendants on all charges with the exception of one minor count. The drug kingpin, Harold Garmany, was sentenced to life imprisonment plus 55 years and the other drug kingpin, Rex Ryland, was sentenced to 30 years in prison.

The second trial commenced on June 11, 1985 with the prosecution of four defendants. Once again the Government's trial team of four attorneys moved back into the fray. On July 12, 1985, after four weeks of trial, three defendants were convicted on all counts and one defendant was granted a mistrial when she fired her attorney in the middle of the trial.

The first trial resulted in 45 volumes of transcript containing 7,769 pages. The second trial resulted in 17 volumes of transcript containing 2,389 pages. The total cost for transcripts of both trials was $34,932. Witness fees and travel expenses for both trials were $51,022.71 with miscellaneous expenses of $3,170.54. Over 500 exhibits were introduced by the government in both trials including extensive drug ledgers and notes that were seized from various defendants. Most of the 1000 pages of ledgers were in code, which was broken during the investigative portion of the case.

Twenty-four defendants, which include the one severed from the second trial, entered pleas of guilty to various felony charges;

seven of those cooperated as government witnesses and provided crucial insider information. An additional seven defendants are still federal fugitives.

The investigation has led to the civil forfeiture of a number of Garmany assets including: a 1.2 million dollar Paradise Valley, Arizona residence, a Cadillac limousine, a Rolls Royce, a Cadillac El Dorado, a Mercedes-Benz, a luxury speed boat and trailer, $100,000 worth of electronic equipment, $1,600 in cash, $100,000 worth of furniture and fixtures, a 238-acre farm in Pulaski, Tennessee with a $500,000 log house constructed on it, and a 28½ acre farm in Rogersville, Alabama. The continuing criminal enterprise count against Garmany also resulted in the forfeiture of the $550,000 note facilitated through, Vollmer Funding, a Netherlands Antilles corporation set up to launder Garmany's drug profits. The loan was made to a Chicago attorney and a co-defendant, who utilized the money to remodel the attorney's law office.

All seven defendants convicted at trial have filed notices of appeal which we are now preparing for. The appeals will require us to review almost 10,000 pages of transcript and exhibits plus all the pretrial motions and rulings.

I hope the members of the Subcommittee find this information helpful and informative. To fully understand and appreciate the statistics submitted by the agencies, it is necessary to understand the process of prosecution from its inception to its conclusion. The undertaking of cases of this magnitude requires a great deal of dedication and skill by those charged with conducting the prosecution, which also includes an immense effort by the support staff. We have a significant number of complex OCDETF cases pending in Arizona and the same is true for other offices in the Southwest Border district. For those of us charged with the prosecution of narcotics cases we hope that the members of Congress will keep this issue in the forefront and continue to give us the valuable resources necessary to combat those who corrupt the fabric of America. Like our Southwest Border counterparts, as well as the state and local prosecutors, we are doing our part to make Arizona a less attractive place for merchants of misery to smuggle their goods or to conduct their business.

I would be pleased to respond to any questions the Subcommittee may have.

SUMMARY STATEMENT OF RICHARD JOHNSON

Mr. JOHNSON. Thank you, Mr. Chairman, Senator DeConcini, and Congressman English.

As you noted, my statement has been submitted, and I won't go over it in any detail. Having listened for the last hour to the comments made about the drug trafficking threat in the Southwestern part of the United States, I can clearly concur that there is much more of a threat here than there was in the past. We have noted, as Senator DeConcini noted in his opening statement, the significant increases in the number of referrals coming to the Drug Enforcement Administration along the Arizona border. In fact, in the last 2 months, 3 months, we have had a significant increase in referrals being handled by our offices, which cover the border in Nogales, Yuma, and Tucson, which is an office that has jurisdiction along our border. In addition to the Phoenix office here, we have had over 88 referral cases in the last 3 months between the period of October 1 and December 31, 1985. I don't have the figures for the same timeframe last year, but I know that that is a significant increase. Over 10,000 pounds of marijuana have been seized in these referrals and a small amount of heroin.

Over the past several months and going back perhaps 6, 8 months, we have noticed a significant increase in the amount of heroin coming out of Mexico. Marijuana seems to be coming out continuously in smaller amounts. All of these referrals that I am talking about are referrals that were made to DEA from the U.S. Customs Service and also from the border patrol.

We have noted a trend here in the last couple of years that air smuggling in Arizona has increased considerably. We became very clearly aware of this in the summer and the fall of 1984. In August 1984, a plane offloaded over 1,680 pounds of cocaine on a remote air strip in Yuma, AZ, in Gila County. And although DEA was not directly involved in that seizure, that seizure was made by the Gila County authorities with assistance of the U.S. Customs and Arizona Department of Public Safety, and the day that the seizure took place, we did become involved in that investigation, and we have been working on it continuously for the last year and a half.

As a result of that seizure, that has led directly to the indictment of 21 individuals in Federal court here in Arizona, and the trial and proceedings against them are still pending. The significant aspect of this particular case, relating to the Gila County seizure, was, one, that it was the largest amount of cocaine that had ever been seized at one time in Arizona, and it led back to the Guadalajara cartel. And as a result of this action, which was intensified subsequent to February 1985, when Special Agent Enrique Camarena of the Drug Enforcement Administration was kidnapped, tortured, and brutally murdered by drug traffickers in Guadalajara.

The DEA and other agencies have put tremendous effort into solving this particular crime. It still has not been solved, although we have a pretty good idea of who was involved of the 21 people indicted in this case, which directly relates to the seizure in Gila County. A number of them are suspected of being behind the murder and kidnapping of our agent in Guadalajara.

Since that time, we have noticed a slight decrease in air smuggling in Arizona, based on seizures of aircraft and amounts of drugs that have been seized from aircraft, and we believe that that primarily is due to the intense law enforcement pressure that has been put on the Mexican cartel out of Guadalajara, transporting Colombian cocaine into Arizona. By no means does the DEA believe that smuggling into Arizona has been stopped. It has temporarily been put on hold, because the organization that was primarily behind this has been severely disrupted. A number of their key members are in jail, in Mexico, in Colombia, and one of the main operators in that group is a fugitive and still being sought in Mexico.

We have also noticed over the last year or so a continuing increase in the amount of marijuana that's being brought in from Mexico in smaller amounts, anywhere from 50 to 100 or 300 pounds. Air smuggling of marijuana still takes place, but we had a case where the Pima County sheriff's authorities seized over 30 tons of marijuana in the spring of 1984. And again, although the DEA was not directly involved in the activity which led to that seizure, a joint operation of Federal, State, and local authorities was put together under the auspices of the Organized Crime Drug Enforcement Task Force Program. There have been a number of indictments, I believe five arrests and indictments out of that case, and additional indictments of perhaps 18 to 20 more indictments are expected.

Air smuggling in Arizona is a serious problem. There was a lot of discussion about Customs interdiction activities here during the last hour. The Drug Enforcement Administration clearly supports any efforts that can be made by this committee or anyone else in Government to give Customs the resources to combat the very serious problem of air smuggling into the State of Arizona, as well as other parts of the United States along the Southwestern border.

Senator ABDNOR. Thank you, Mr. Johnson. We will ask you some questions here in a few minutes, but before we do, I think we will listen to our next witness.

Senator ABDNOR. Would you care to speak, Mr. McNamee?

Mr. MCNAMEE. Thank you, Chairman Abdnor, and members of the subcommittee staff.

I appreciate the opportunity to be here, especially since it is in Arizona before an Arizona Senator. This is my first time testifying, so I hope I don't put my foot in my mouth too much.

I would like to initially thank Congress for authorizing additional funds and additional positions to combat the drug trafficking that was recently in the supplemental bill. We are in the process of filling those, and we anticipate that they will be very, very useful in that area.

What I would like to do is move immediately to the illustrative case I have in my statement regarding the *United States* v. *Harold Garmany*, which was a case prosecuted by our office, by the organized crime drug enforcement task force attorneys, and which I think is illustrative of the type of cases that are being brought by U.S. attorneys offices all over the country and in particular, the Southwest.

This case gained a certain amount of notoriety.

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Once in the pretrial stage, the case quickly centered on the familiar motions practice. There were 16 bond hearings and 5 detention hearings. Defense counsel filed 87 pretrial motions on behalf of their clients, and the United States filed 10 pretrial motions. All these motions resulted in 17 hearings, including two major motions to suppress evidence. In order to have the case prosecuted through the court, the case was severed into multiple trials of designated defendants. Many long hours over many months were spent by the trial team preparing to prove the allegations set forth in the indictment.

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Twenty-four defendants, which include the one severed from the second trial, entered pleas of guilty to various felony charges. Seven of those cooperated as Government witnesses and provided crucial insider information. An additional seven defendants are still Federal fugitives.

The investigation has led to the civil forfeiture of a number of Garmany assets. I will not go over those, because they are in my statement, in the preservation of time.

All seven defendants convicted at trial filed notices of appeal, which we are now in the stage of preparing for. The appeals will require us to review almost 10,000 pages of transcript and all the exhibits, plus all pretrial motions and rulings.

I hope the members of the subcommittee find this information helpful and informative. To fully understand and appreciate the statistics submitted by the agencies, it is necessary to understand the process of prosecution from its inception to its conclusion.

The undertaking of cases of this magnitude requires a great deal of dedication and skill by those charged with conducting the prosecution, which also includes an immense effort by the support staff. We have a significant number of complex organized crime drug enforcement task force cases pending in Arizona, and the same is true for other offices in the Southwest border district, which is also New Mexico and southern California.

We hope that the Members of Congress will keep this issue in the forefront and continue to give us valuable resources necessary to combat those who corrupt the fabric of America.

I would be pleased to respond to any questions from the subcommittee at this time.

Senator ABDNOR. Thank you, Mr. McNamee. To both of you, we thank you for your very excellent testimony. And as I said, both written copies will be made a part of the permanent record. And obviously, you and your people have been very, very, very busy. I certainly want to commend you for your successes in the trial work here.

Mr. Johnson, do you think much of the activity you have been undergoing is a result of extra pressure coming from the south Florida task force?

Mr. JOHNSON. I don't think there's any question about that. As enforcement pressure has increased over the last several years, primarily in the Southeastern part of the United States, especially the cocaine traffickers out of South America are seeking new routes to bring their contraband into the United States. Mexico provided a perfect opportunity, both in terms of geography and in-place organizations. The old heroin trafficking families and the longstanding marijuana trafficking organizations, which have been active in Mexico for a number of years, and the heroin trafficking families were temporarily put out of business because of the opium eradication programs. Heavy pressure was put on the Mexican Government and by the Mexican Government on the traffickers in the mid 1970's. However, the traffickers kept their organizations intact and provided the Colombians this new route. To avoid the pressure in the Southeastern part of the United States, they did come through Mexico. And the seizure that I spoke about that was made in Gila County clearly came right through Mexico, brought in by Mexican traffickers. And another one that I have in my statement but didn't mention in the open testimony was another almost 1,500 pounds of cocaine that was seized in Mohave County in November 1984.

But to answer your question, I think that there is no doubt about it. The enforcement pressure applied in the Southeastern part of the United States has resulted in a shift of trafficking patterns, especially in cocaine trafficking, from South America to the United States.

Senator ABDNOR. If you could just add 30 percent more manpower than you have today to your forces, what would that do? Would that make a significant change here?

Mr. JOHNSON. Well, if we were very efficient, we would presumably increase our output by 50 percent with 50 percent more manpower. But we can always use more people. The Phoenix Division has 47 DEA agents assigned to it in Tucson, Phoenix, Nogales, and Yuma. In addition, we have very close working cooperative arrangements with the Arizona Department of Public Safety, the Pima County Sheriff's office, and the Tucson City Police Department in the form of formal task forces.

DEA has long recognized that without close day-to-day cooperation with State and local authorities, it's almost impossible to accomplish anything. And we have had a task force in the Phoenix area made up of DPS officers for a number of years. We have been attempting to get some funding to expand that task force to include officers from the Phoenix Police Department, as well as officers from the four major cities around the Phoenix area. That proposal is still pending.

In Tucson, in the latter part of August 1985, we formalized a task force there, also made up of DPS officers, Pima County sheriffs, and the Tucson City Police Department. That group has been very active since coming together in the fall of early 1985 and have been making a number of cases.

We can always use more people. The local authorities can use more people and money. As we all know, we are restricted by budgetary limitations, and we just do the best we can with what we have.

Senator ABDNOR. Earlier, Commissioner von Raab of Customs was before us. He traced numbers of the agents, planes, and various personnel in Customs assigned to the Southwest. It's been on the increase each year, and I guess we all agree that was a big improvement.

Is the same true with DEA? Have you been adding manpower each year?

Mr. JOHNSON. Yes; I think in a supplemental authorization that came out last year, we got around 200 plus new agents. A certain percentage of them did come to the Southwest, and I am talking about the whole area again, from Brownsville to San Diego. That area is covered by five DEA Divisions—two in Texas, one in Denver, the Phoenix Division, which covers the State of Arizona, and our San Diego Division, which covers southern California. A number of those supplemental agent resources have also been programmed to be sent to our foreign post of duty, and some of them are in Mexico, which will obviously have an effect on our operations here in Arizona and also along the border.

Senator ABDNOR. Senator DeConcini, do you have any questions of Mr. Johnson?

Senator DECONCINI. Yes; thank you, Mr. Chairman.

Mr. Johnson, let me say that I appreciate your earlier statement that you are in support, as we have talked before, of the Air Interdiction Program, which Congress and the administration has put in place with Customs. As we know, we are all in this together. DEA has a willingness to work, and you have led a good division here, and I know that things are greatly improved in Arizona because of your leadership.

Back in September, a group called the Fraternal Order of Border Agents, made up of former DEA and Customs border law enforcement officers with extensive United States-Mexican border experience, expressed its concern over staffing-financing shortages at Customs and DEA and provided some rather startling information about alleged Mexican drug trafficking along our Southwest border.

I would like to have your professional response to some of their allegations. One of those allegations, since June, is that over 1,000 pounds of cocaine has been seized by Customs and DEA between McAllen and Laredo, TX, and that Mexicans, Colombians, and Cubans have been involved in most of these cases.

What can you tell this committee about the role of the Colombians and Cubans in cocaine smuggling along the Southwest border, particularly Arizona? And can you be as specific as your information will let you be under pending investigations, of which I assume you have some.

Mr. JOHNSON. Yes; we do have some. I'm not familiar with the involvement of Cuban traffickers along the Southwest border, as you stated. There may be some into the Texas areas of the border. We have not encountered any significant number of Cuban defendants in Arizona, to my knowledge, in the last couple of years.

I could expand a little bit on what I said earlier about the Colombians. There is no doubt that the Colombian traffickers have allied themselves with the Mexican traffickers, and they jointly are moving, as I mentioned, quantities of drugs into the United States, some of which comes to Arizona.

Senator DECONCINI. Is it an increase, the number of Colombians that your information gives you; that there are more of them involved in this than there was 1 year ago or 2 years ago?

Mr. JOHNSON. In Arizona, yes.

Senator DECONCINI. In Arizona?

Mr. JOHNSON. Yes.

Senator DECONCINI. Is that a doubling or a tripling or——

Mr. JOHNSON. I don't have the exact figures. I could try to get them for you and——

Senator DECONCINI. No; I am just interested in seeing the development of this route of Colombian involvement.

Mr. JOHNSON. I have been in Arizona just a little over 3 years. When I came here, Colombian involvement was, while there were some Colombians involved in narcotics trafficking in Arizona, it was not a serious threat. In the last 3 years, it has become a serious threat.

Senator DECONCINI. In mid August 1985, a large load of marijuana and cocaine was successfully smuggled below Falcon Dam in Starr County, TX.

It was so large that 18 crossers were employed to unload it from trucks into boats on the Mexican side, cross the Rio Grande, and carry it 500 yards to a house on the U.S. side. Guards, armed with machine guns and wearing 45 caliber automatic pistols, as it was reported, which are lawful in Mexico only to the military and the federal police, went first to the U.S. side and set up a perimeter defense. Then they provided an armed escort to the house all the way to the stored area.

Are you familiar with this incident and, if so, if the border agents group account is accurate, does this lead you to believe, and do you have any information to give this committee, of the Mexican police and military involvement in aiding and abetting the drug smugglers along the Southwest border?

Mr. JOHNSON. I am not personally familiar with the incident about which you just spoke, Falcon Dam. To my knowledge, there have been no indications of Mexican police or military involvement making armed incursions or providing security of drug shipments into Arizona.

However, during the course of DEA's investigation into the murder and kidnapping of Enrique Camarena, it became very clear there was involvement of Mexican law enforcement and intelligence agency officials, both prior to, during, and after the kidnapping and murder.

Senator DECONCINI. The report from the border agents further goes on and says that an investigative report indicates that an impoverished stretch of the Texas border from Brownsville to Del Rio had recently had a huge influx of billions of dollars in bank deposits, despite the poverty of that particular region. The Customs Service, the IRS, and DEA, according to the report, have joined forces to track these deposits to laundering operations by drug smugglers, as was done in Texas.

I would like to know, can you confirm that massive laundering is taking place along the Southwest border with ties to drug smuggling and trade, and how prevalant is it in Arizona?

And perhaps Mr. McNamee can help us on that one, too.

Mr. Johnson, can you give us any information on the laundering here?

Mr. JOHNSON. In Arizona, yes, there have been some cases of money laundering that we are aware of.

Going back to these indictments that I talked about in Phoenix here last fall, I believe in November or October that those indictments took place, that investigation was an operation which we call Operation Padrino. Unfortunately, I don't have the Operation Padrino statistics here, but they can be made available to you.

But Operation Padrino was a coordinated effort aimed at cocaine traffickers from South American through Mexico in the United States. Our offices in Los Angeles, San Diego, Arizona, New Mexico, and throughout Texas were very, very actively involved in this investigation, in addition to almost all of our offices in the Republic of Mexico, the primary one being Guadalajara, because this is where this group is centered. There have been many, many millions of dollars in cash seized from members of this organization. We did not seize any major amounts of cash in the arrests and the indictments that took place in Arizona, but evidence that money had come through was there.

Senator DECONCINI. There is significant evidence, would you say, of laundering here in Arizona?

Mr. JOHNSON. Of laundering itself in Arizona, I'm not too sure, Senator, but there are lots of cash and lots of assets belonging to the people that were involved in these organizations in Arizona. And again, I don't have the exact figure, but I would be happy to provide them to you.

Senator DECONCINI. Mr. McNamee, can you add anything to that?

Mr. JOHNSON. If I may add just one thing, the major seizure—again, I keep going back to that same seizure, but it was a significant seizure, and a significant investigation resulted because of it. The information that we developed during that investigation indicated that that cocaine was not destined for Arizona. It was coming into Arizona as a shipment point. The bulk of it was destined to the Los Angeles area and further distribution. A group of Colombian and Mexican traffickers settled in the Los Angeles area, and that seemed to be the west coast headquarters for this group that was tied in with Guadalajara.

Senator ABDNOR. Before you leave, could you give us some of the figures for the record from that Operation Padrino?

Mr. JOHNSON. I don't have those figures with me, Senator, but I will see that we get them to the committee, yes. It's astounding, the amounts of drugs that have been seized and the amounts of cash and assets, and so forth. It's a multijurisdictional investigation. Indictments did take place in Phoenix, and there are other indictments that have taken place, I believe in the Houston area and in Dallas. It stretches all the way to South America, clear over to Spain.

[The information follows:]

Operation Padrino seizures

U.S. currency	$56,026,046
Value of property seizures	$5,557,000
Cocaine (pounds)	5,272

Senator DECONCINI. Mr. McNamee, can you add anything to the laundering?

Mr. MCNAMEE. Yes, Senator; we have found in the larger narcotics prosecutions that we bring, that almost all of them have a money laundering factor. Whether the money is being laundered here in Arizona or offshore on some island or in other banks in the United States, there is a significant amount of that going on because of the lucrative nature of the business.

Senator DECONCINI. Have you found that going on in Arizona?

Mr. MCNAMEE. Yes.

Senator DECONCINI. You have?

Mr. MCNAMEE. Yes; as a matter of fact, we had a prosecution about 1½ years ago involving a money laundering operation here in Arizona.

Senator DECONCINI. Is that on the increase by the fact that drug smuggling appears to be up substantially over the last couple of years, or do you have any information on that?

Mr. MCNAMEE. No; I believe that money laundering is on the upswing simply because you have to find some way to conceal all the huge cash being generated from the operation. To me, it's much like a white collar crime. They disguise the nature of it. They change the nature of it. They move it around, all these types of things.

So when you get into a major investigation, from our point of view, it's a very, very tough trail to follow. As I pointed out, just some of the assets that were seized and forfeited in the *Garmany* case give indications of the tremendous amounts of money that are being generated.

Senator DECONCINI. Mr. Chairman, I just have one more question, and I would then yield to Congressman English.

The latest national narcotics intelligence estimates, Mr. Johnson, show that there has been a 38-percent increase in the number of clandestine dangerous drug laboratories in the past year from 226, I believe, in 1983 to 227 in 1984, and cocaine labs seized double in 1 year and four times over 4 years.

In your statement, you say that: "The ready availability of precursor chemicals needed for the manufacture of dangerous drugs is a significant problem in Arizona."

Could you give us more information about the magnitude of these dangerous drug labs in Arizona and other Southwestern States? Be as specific as you can.

Mr. JOHNSON. Well, again, I don't have figures on that, and I can get you figures concerning the number of labs that have been seized in the various Southwest border areas.

What I was referring to in my statement was the fact that there were no controls on the precursor chemicals needed for the manufacturing of drugs in illicit labs and clandestine labs. The States of California and Nevada have passed laws which do put controls on those precursors, and we have noticed over the past number of years a significant increase in the number of traffickers coming from California first and then later from Nevada, when the law was passed there, in to Arizona to pick up their precursor chemicals.

Some of those chemicals remain in Arizona and are going into labs here. It's very difficult to follow them, but we do the best we can. The overwhelming majority of those chemicals we determined went to California and in some cases, went into Nevada. There is very, very heavy lab activity in Sacramento, CA.

Senator DECONCINI. The labs are not here?

Mr. JOHNSON. We are sure there are labs here. There have not been any significant seizures of labs.

Senator DECONCINI. But the precursor chemicals are coming from Arizona?

Mr. JOHNSON. They are coming from here and are also available in California. But the difference is that in California and Nevada, you have to report your intentions before the purchase, and it makes it rather difficult.

Senator DECONCINI. It's pretty obvious that if Arizona had a law, they might go somewhere else for some of them.

Mr. JOHNSON. That's why we are trying to get a law in Arizona. The Arizona Department of Public Safety and the DEA have worked up some draft legislation which will be introduced, we hope in the Arizona Legislature this term.

Senator DECONCINI. Thank you.

Mr. English, I yield to you.

Mr. ENGLISH. Thank you very much, Senator.

With regard to the laboratory situation the Senator was touching on, I would like to follow up on that a little bit. This is the one area in which there is a focal point, a funnel, a sensitive spot in which we can hit at the drug producers. Most cocaine goes to laboratories outside this country, although I recognize an increasing amount if done in this country because of the difficulty of getting some of the chemicals, particularly ether. This seems to be an area which we could hit very hard here in the United States and have a significant impact as far as the amount of drugs available. Would you agree?

Mr. JOHNSON. Yes, sir.

Mr. ENGLISH. My understanding is that roughly half of the hard drugs consumed in this Nation are drugs that are produced by such process; is that correct?

Mr. JOHNSON. I don't know the exact figure, but a very significant amount of the illegal drugs that are consumed do come from the category which we call dangerous drugs as opposed to the opiates, the cocaines, and the cannabis.

Mr. ENGLISH. Then Mr. Johnson, would you agree that we have the capability and potential, if we take advantage of it, to focus on drug laboratories in this Nation and really bring about the elimination of a significant amount of drugs that would be available to be consumed within our society?

Mr. JOHNSON. We could certainly have an impact if we did more work on clandestine drugs. But I think it's important to point out that the overwhelming majority of drugs, these so-called dangerous drugs, that do get into the system are diverted from other channels. Many are produced in foreign countries, and many millions of dosage units are diverted from legitimate channels, either wholesale, legal, or——

Mr. ENGLISH. We still have the same focal point to deal with. We still have that drug laboratory; isn't that right?

Mr. JOHNSON. Yes; but some of those drug laboratories are run by the major——

Mr. ENGLISH. I realize that, but they don't authorize the bleeding off of excess or chemicals or drugs that are being produced in their laboratories for illegal use, do they?

Mr. JOHNSON. No; they don't. They are required by rules and regulations to prevent that.

Mr. ENGLISH. That's right. So really, they have got to originate in the laboratory, whether it's a clandestine lab out here or whether it's a legitimate laboratory. That's a focal point we can deal with.

The chairman asked you, with a 50-percent increase in the amount of personnel, whether you could have significant impact on drugs.

You responded one would see a 50-percent increase in output. I would like you to reconsider that response. What if you were using that 50-percent increase in manpower, totally focusing on such clandestine laboratories or the confiscation or illegal use of drugs coming from one of the legitimate laboratories? If you did that, you would have more than a 50-percent increase in the impact that you would have, would you not?

Mr. JOHNSON. If we had more people in Arizona or in any of our other offices in the United States—I can speak for Arizona. I would put some of those resources into our clandestine drug lab program.

We are hoping that the Arizona State Legislature does get this legislation through. It will make it a lot easier for the local authorities here to control and for us to control also.

Mr. ENGLISH. I'm looking at it from a national level, though. Laboratories are a chokepoint for the Federal Government, for you, for DEA.

Mr. JOHNSON. Yes; they can be.

Mr. ENGLISH. Well, they have to be. That's the only place that you really have a chokepoint on drugs being produced here in this country, isn't it?

Mr. JOHNSON. That is probably the most efficient place to get them, yes.

Mr. ENGLISH. But the DEA agents that we have now, 2,500 agents, it's my understanding, nationwide?

Mr. JOHNSON. Worldwide.

Mr. ENGLISH. Worldwide, OK. Those people are not working just on drugs being produced by clandestine labs; they are working the whole gamut?

Mr. JOHNSON. Absolutely.

Mr. ENGLISH. The whole range. So they don't really have the opportunity to specialize, to zero in and focus on these illegal laboratories.

And I guess the question I want to ask you is, in light of that, if we had a 50-percent increase in the number of DEA agents and those agents were placed on the job of doing nothing except focusing on clandestine labs around the country, how much of an impact would we have on the clandestine labs in this country?

Mr. JOHNSON. I think there would be a significant impact. In terms of numbers, I can't predict, but I think there would be a significant impact.

Mr. ENGLISH. I think there would be, too.

We had a hearing, Mr. Chairman, over in Oklahoma on clandestine labs. We have a tremendous increase in clandestine labs in Texas and Oklahoma, in that area. We had testimony from DEA. In that case, we were saying what if you had 2,100 more agents and you focused only on this?

I think it's interesting to speculate on this subject, along with the same kind of effort by the States. The speculation was that we could eliminate 80 to 90 percent of the clandestine labs in this country, which would be a tremendous impact.

The testimony then was roughly one-half of the hard drugs being consumed in this country were being produced by these laboratories. We could have a massive impact if we focused on that.

Perhaps during better times, if we ever reach that point financially, perhaps that's something we should focus on and speculate with. I think it may be worthwhile.

Senator ABDNOR. Or if we convince Congress this is one of the more important responsibilities they have, that would help, too.

Mr. ENGLISH. I think it would be good.

Mr. McNamee, I want to ask you, with regard to your experience and what you are seeing take place, about the connection between drugs and crime. I think we look at drugs and crime all being one thing, one package all together. But the general public out here, they get to looking at it, "Well, drugs are over here and crime is over here." Crime is when you go hold up a grocery store or beat someone over the head, something of that sort. Drugs fits in a different category. This is an interesting perception by the general public. They don't make that close connection, that they are connected together.

Would you care to speculate how much of the business that you do reflects that strong relationship? Where a fellow might be arrested for some crime, would appear, at least, to be a nondrug-type offense. How many of those cases would you speculate also have a drug connection to them?

Mr. McNAMEE. I would really have to hazard a guess on that one. First of all I think the U.S. attorney's office doesn't get involved so much in the general crimes prosecution area.

Mr. ENGLISH. I realize that.

Mr. McNAMEE. Although our office does, because we are the county attorney for 21 Indian reservations in this State. I would say a significant number of the crimes involved some sort of a drug relation, whether that be alcohol abuse, illegal drug abuse, or illegal drug sales, trafficking, or what have you. There is definitely a correlation and connection.

Mr. ENGLISH. What about violent crime?

Mr. McNAMEE. I would not be the person to really ask about that. I think one of our local county attorneys or someone in behavioral sciences could address that issue better.

I do know that in the area of violent crimes, as far as the protection of the load, we have seen a lot more weapons and activities in that area, protecting the loads of narcotics coming in or being shipped, or protecting the money.

Mr. ENGLISH. Are we going to have any chance to significantly reduce crime in this country, in your opinion, unless we address the drug problem?

Mr. McNAMEE. I think we have to address the drug problem. I think that's what we are all trying to do.

Mr. ENGLISH. Is that the key?

Mr. McNAMEE. I would say it's one of the keys.

Mr. ENGLISH. Thank you, Mr. Chairman.

Mr. JOHNSON. Congressman English, I would just like to make two comments on that, on the issue of violence and reduction of crime. I have been in Federal drug enforcement with DEA and its predecessor for 21 years. And one of the trends that I have noticed, very significant trends, is violence. In just the dope trafficking business, I worked in New York City when I first came on this job, and at that time, that was the drug capital of the United States. Our primary interest at that time was heroin, and we worked an awful lot of heroin cases. Heroin is still a very significant priority, but cocaine seems to be getting all the publicity.

But there seemed to be an unwritten rule between the criminals and the police, whether they were Federal agents or local officers, that, "If you got me, you got me. We're not going to fight." They would fight us very way they could legally in the courts and do whatever they could to prevent from going to jail. But there didn't seem to be a great propensity for fighting at the time of the arrest.

Now running across weapons is an absolute routine thing. Everybody has a weapon, and many of them are willing to use it. There has been a tremendous amount of publicity about the tremendous violence in the Southeastern part of the United States, with the Colombian traffickers and their willingness to wipe out entire families to protect their operations. While we haven't seen activity like that in Arizona, it certainly has the potential of occurring here.

On the issue of addressing drug trafficking in order to eliminate crime in the United States, it's clear that something has to be done about the drug trafficking. But it's not only a law enforcement program. The Drug Enforcement Administration and other law enforcement agencies are realizing that the answer really lies in prevention.

We could quadruple the number of DEA agents, and we could tenfold times the number of Customs agents we have and all the other law enforcement entities involved in drug enforcement. And as long as there is a demand, there is going to be someone who is going to find a way to get around these resources. A lot of effort, I believe, has to be directed at reducing the demand, and that goes back to education and training and prevention, clear back to kindergarten days, as far as I'm concerned.

Mr. ENGLISH. Mr. Johnson wouldn't you also agree, though, that a lot of that has to do with the kind of message that is sent to our people? And this is the reason I stress here what the President said. I believe the President meant that, what he said last week.

Mr. JOHNSON. I believe he did, too.

Mr. ENGLISH. But on the other hand, then, when our people hear the President of the United States make a statement like that, and then we find that we are getting ready to, or at least there is consideration being made by his administration to eliminate the entire detection capability running from San Diego to Brownsville, TX, that's got to raise some questions in some folks' minds. You know, "what's going on here? The two don't mesh. They don't jell."

Now are we saying, well, we pay lip service to the fact that we are against the use of drugs, our Government does, or society does; but on the sly, "You know, folks, it ain't no big deal, and we are really not going to commit the resources and make the priority of it that our lip service says that we would?" What kind of a signal, what kind of an education does that give our young people, our people in general? It becomes socially acceptable. We have already got people in our country today that equate the use of drugs just like it was back in the Prohibition era. You know, it was one of those things, with a wink, but there's not a big stigma with it.

If our Government takes that same approach, you know, then maybe when the fellow over here is talking about legalizing marijuana, it's going to be a good deal harder to argue with him. So I'm hopeful that we get serious.

Senator ABDNOR. I'm going to cut it off at that.

Senator DECONCINI. Let me ask you a question for the record, Mr. McNamee. A couple of years ago, we had similar hearings, and Mr. Peter Nunez, U.S. attorney for the southern district of California, spent a good portion of his testimony defending the administration rather than talking about any needs for his office or for this particular area. And I understand he was being a good soldier, and I understand your position here. But I also know a little bit about your office and a little bit about the caseload increases from the various county attorneys.

The Congress approved a supplemental drug enforcement package last August. There were 5,851 U.S. attorneys on board around the country; the supplemental added 432, and there will be another 100 U.S. attorneys to the payroll, bringing the total U.S. attorney staffing up to 532 since August 1985.

My question to you is what kind of increases has Arizona had, and as candidly as you can, not wanting to put you in a political spot, do you have the personnel that you need to do the job? The only reason I ask that question is because if your answer is lukewarm, we can always do more—adding them on or by coercing the Justice Department, if I can, to assign them here. And I wonder, can you tell me have you received any supplemental and what kind of staffing do you have?

Mr. MCNAMEE. Yes, Senator; we have received additional resources, and I would like to differentiate between committed resources and uncommitted assistant U.S. attorneys. Since 1979, our office has remained static as far as uncommitted assistant U.S. attorneys. We have 37 assistant U.S. attorneys. In the initial allocation of resources, Arizona was allotted three OCDETF attorneys, and those are what I call committed assistant U.S. attorneys for that process only and two support staff. We allotted two in our Phoenix office and one in our Tucson office. The one we filled in Tucson was John Rowe. So we now have four in Phoenix and two in Tucson, and we have a fellow named Bill Camody that we just hired to help facilitate——

Senator DECONCINI. The question is, is that enough?

Mr. MCNAMEE. No; I think all of us agree that we can do more with more resources and better—but we have to live within the budgets.

Senator DECONCINI. I understand. Thank you.

Senator ABDNOR. Thank you, gentlemen. We thank you for your appearance here today, and we will probably be back in contact with you. And if we have any other questions to submit, we will do so in writing.

Mr. JOHNSON. Thank you, sir.

DEPARTMENT OF DEFENSE

STATEMENT OF LT. GEN. R. DEAN TICE, DIRECTOR, DEPARTMENT OF DEFENSE DRUG TASK FORCE ON DRUG ENFORCEMENT

ACCOMPANIED BY:

COL. EDWARD F. BRUNER, U.S. ARMY
CAPT. BILL MARCH, U.S. NAVY
COL. AUGUSTUS MORAN, U.S. AIR FORCE

PREPARED STATEMENT

Senator ABDNOR. Our last witness of the day will be Lt. Gen. R. Dean Tice, of DOD drug task force.

General, we have kept you waiting, but we had other witnesses here today. We appreciate your appearance.

General TICE. With your permission, I can make a short oral statement in the interest of time.

Senator ABDNOR. You have a written statement that we will put in the record?

General TICE. Yes, sir.

Senator ABDNOR. Very fine, General.

[The statement follows:]

STATEMENT OF LT. GEN. R. DEAN TICE

Mr. Chairman, let me begin by expressing my gratitude for the opportunity to visit the great state of Arizona. It's always a privilege to report on the Department of Defense contribution to this nation's campaign to reverse the growing drug trafficking menace. I might add that we are proud of our efforts in this area. We are dilligently balancing our program of assistance with readiness implications and national security mission imperatives. In this regard, the Secretary recently forwarded a list of initiatives to the National Drug Enforcement Policy Board which suggest a prudent expanded drug enforcement support role for the Department as a by-product of our primary mission activity. These options for future DoD support emphasize the most effective use of military assets for the taxpayer dollar and have the support of the Joint Chiefs of Staff.

As you are aware, Mr. Chairman, when the President signed PL 97-86 in 1981 a new chapter to Title 10 of the US Code was added which clarified DoD's role in the national effort to combat the entry of illicit drugs into the United States.

Section 371 of Title 10 authorizes the Military Services to share information collected during routine military operations with federal, state, and local law enforcement officials.

The Secretary of Defense may, under Section 372 make facilities and equipment available to such officials.

While Section 375 bans direct participation of military personnel in drug enforcement arrest and seizure activities, Section 374 allows for personnel assistance under certain conditions.

For example, military personnel may be used to operate and maintain loaned equipment used for controlling air and sea traffic. And, under emergency conditions, military personnel may provide bases of operations for federal law enforcement officials outside the land area of the United States.

And, of course, the assistance provided by DoD for which there is no essentially equivalent training benefit is subject to reimbursement under terms of the Economy Act. In that regard, we have been able to provide a great deal of assistance without reimbursement when residual military training benefit is realized from such assistance.

With this framework in mind, let me briefly review examples of the Department's current level of support for 1985.

Navy E-2's provided aerial surveillance for the U.S. Customs Service in the Caribbean, along the Mexican border, the Gulf of Mexico, and the offshore waters of Florida and California. Frequently U.S. Marine Corps OV-10's collocated with the E-2C's and performed complementary operational support missions.

Navy P-3's have flown long-range surface surveillance tracks throughout the Caribbean, and the Gulf of Mexico. S-3's flying from San Diego, California flew surveillance tracks off California and Mexico.

The Navy additionally provided 347 ship (including PHM hydrofoils) days with USCG tactical law enforcement teams (TACLETS) embarked; and the towing of drug vessels by Navy vessels permitted USCG cutters to remain on station. Three more Navy P-3A's with Air Force F-15 radars were turned over to US Customs Service during 1985.

The Marine Corps, in addition to its extensive OV-10 support, provided mobile ground radar surveillance as well as anti-personnel intrusion detection.

Air Force AWACS flew radar surveilance missions similar to Navy E-2's with Customs Service representatives onboard.

Air Force B-52 aircraft conducting joint training with the Navy in offensive anti-surface warfare strike operations provided anti-drug maritime surveillance reports as an adjunct to this mission activity.

Air Force active and reserve C-130's enroute to and from Panama overflew suspected drug-laden motherships for the Coast Guard.

Since November 14, 1985, the members of the Air Force Civil Air Patrol have been helping in the anti-drug smuggling effort with over six thousand light aircraft available to perform patrol and surveillance missions for the Customs Service. Civil Air Patrol pilots look for possible drug smuggling boats offshore and potential remote landing sites in addition to patrolling known air smuggling corridors. Reports on suspect drug smugglers are passed to Customs pilots who conduct the actual interdiction activity.

By a joint declaration of emergency by the Attorney General and Secretary of Defense, the Air Force continued its support to Operation BAT with personnel operating and maintaining two UH-1N helicopters stationed in the Bahamas. These helicopters provided quick insertion of Bahamian law enforcement teams on drug apprehension missions. During large-scale multi-agency operations such as Hat Trick II, the U.S. Army augmented the Air Force cadre with two additional Black Hawk helicopters.

The Air Force also loaned over 120 Communication Encryption Devices to the Customs Service and DEA.

I'm especially pleased to provide an update on Army training initiatives developed at Ft. Huachuca, Arizona. The first is Operation HAWKEYE which is designed to present real-world situations in a training environment. By modifying selected flight tracks in the OV-1D Mohawk training program, students conducted missions along the US-Mexico border where selected target areas were imaged with the Mohawk's sensor system and provided to the Patrol division of the U.S. Customs Service (USCS) for inclusion in their intelligence data base. Seventy-two HAWKEYE missions were flown in fiscal year 1985.

The second is Operation GROUNDHOG which places ground surveillance radar students in a real-world, high stress training environment on the US-Mexico border for one week. As targets are detected, information is passed to the U.S. Border Patrol for their action. In fiscal year 1985, the exercise was conducted 20 times resulting in 518 targets detected and 176 apprehensions by responsibile law enforcement authorities.

Fort Huachuca is also the primary candidate site for locating a new Customs Service aerostat radar system to monitor low-level suspect drugger aircraft coming into the southwest United States. The Army has agreed in principle to allow Customs to use the facility, provided there are no technical or environmental constraints. The Army and Customs staffs are presently conducting the feasibility analysis with a projected completion date of March 1986.

While on State Active Duty, the National Guard provided assistance to civilian drug law enforcement authorities in 19 states, primarily aerial observation reports. During the year, National

Guard aircrew reports contributed to the destruction of marijuana with a street value of over $260M.

The Army and National Guard provided a variety of additional support to drug enforcement agencies including: loan of night vision imaging systems; specialized training, including use of ground radars; use of rifle and pistol ranges by drug enforcement personnel; and use of Army National Guard aviation assets for training, including rappeling.

The Army aircraft loaned to federal civilian drug enforcement agencies included Black Hawk and Cobra helicopters and C-12 King Airs.

The Army, Navy, and Air Force (in addition to the Coast Guard) provided expert personnel assistance to six National Narcotics Border Interdiction System (NNBIS) Regional Centers in addition to the NNBIS headquarters in Washington D.C.

As this review of Army, Navy, Marine Corps, and Air Force support suggests, the Department of Defense is making significant contributions to the anti-drug effort.

As you recall, the fiscal year 1986 Defense Authorization Bill called for fixed and rotary-wing aircraft drug interdiction support from the Department of Defense. The Department, in concert with the Joint Chiefs of Staff and the Services, developed a multi-Service proposal for the Secretary's report to the Congress. Mr. Chairman, we must now readdress the concept with the Joint Chiefs and the Air Force to accommodate the new direction contained in the 1986 Appropriation Act which calls for retrofit of one AC-130 stretch aircraft for drug interdiction surveillance. We would expect the Air Force to initiate the competitive contracting process during January and February so that the Secretary can report the new plan by March 20, 1986.

Mr Chairman, as I said at the outset, we in Defense are proud of our role in this most important program that you and your distinguished colleagues have so commendably championed. The proposals forwarded to the Attorney General would extend our support near the source in addition to the contributions along our borders.

Thank you for the opportunity to appear before your committee, Mr. Chairman. I would be pleased to take questions at this time.

SUMMARY STATEMENT OF LIEUTENANT GENERAL TICE

General TICE. Mr. Chairman, it is a pleasure to again appear before your committee to report on the Department of Defense contribution to this Nation's campaign to reverse the growing drug trafficking menace. I also express my gratitude for the opportunity to visit once again this great State of Arizona, Senator DeConcini.

Today I am accompanied by Col. Edward F. Bruner, from the U.S. Army; Capt. Bill Marsh, from the U.S. Navy; and Col. Augustus Moran, Air Force. There has been that one substitution for Colonel Whittenberger, which is Colonel Moran, and I can give this to you so you can get the spelling correct.

Sir, we are proud of our support to the drug enforcement agencies, and we are diligently balancing our program of assistance with readiness implications and national security mission imperatives. In this regard, Secretary Weinberger recently forwarded a list of initiatives to the National Drug Enforcement Policy Board, which suggests a prudent expanded drug enforcement support role for the Department as a byproduct of our primary mission activity.

These options for future DOD support emphasize the most effective use of military assets for the cost and have the support of the Joint Chiefs of Staff.

These new initiatives are in three basic categories. The first is technical and material support. The second is planning assistance, and the latter is intelligence assistance. I would like to make just one comment about the fiscal year 1986 Defense authorization bill, which called for fixed and rotary-wing aircraft drug interdiction support from the Department of Defense. The Department, in concert with the Joint Chiefs of Staff and the Services, developed a multiservice proposal for the Secretary's report to the Congress.

Mr. Chairman, we must readdress that concept with the Joint Chiefs and the Air Force to accommodate the new direction contained in the 1986 Appropriation Act, which calls for retrofit of one stretch aircraft for drug interdiction surveillance. We would expect that the Air Force would probably initiate competitive contracting process in January or February so the Secretary can report back to the Congress, hopefully, on this proposal by the end of March 1986.

I would just like to say that we are proud of our support. We think we have a very positive attitude about the role the Defense Department plays in helping the law enforcement agencies. As you know, the resource implications are the greatest challenge for all of us today, and I would suggest that we have a very proactive attitude about what we can do that incidental to training, while at the same time, help the law enforcement agencies while we are preparing for our primary mission, which is to prevent wars or to wage them, in case we have to go to war.

We thank you for the opportunity to appear before you, sir. I don't know whether any of my cohorts today would have any short statements to make, but we are prepared to respond to your questions.

Senator Abdnor. General, we are proud of the work you are doing, too. Let me ask you, we have been experiencing the military and defense buildup over the last 5 years. In your area, has the DOD drug task force been growing accordingly or building up accordingly with these budgets?

General Tice. I think the changes that have occurred started with the results of the amendment, or at least the modifications of the Posse Comitatus Act, which removed some of the former restrictions we can help with the support in the form of material and also we provide, without reimbursement, support to the law enforcement community, if it is incidental to our training mission.

Some examples: last year the Navy flew over 7,000 hours of surveillance in support of the U.S. Customs and U.S. Coast Guard Service. The Army has supported both the border patrol and the Customs Service. The Air Force, I have one example here, has supported Operation BAT, which we have been providing for about 2 years. Two UH-1N helicopters from the Special Operations Wing at Homestead and Hurlburt Field, have been operating in the Bahamas. Since they have been there, they have assisted the Bahamian police in seizing 26 vessels, 42 aircraft, and 13 vehicles, which resulted in 182 arrests and over 259,000 pounds of marijuana, and almost 11,000 pounds of cocaine confiscated.

Senator Abdnor. What's the time period on that?

General Tice. That was for a 2-year time period, sir, and that's just with the augmentation of the mobility assets to help the Bahamian police conduct their movements among the islands.

Senator Abdnor. You are getting good cooperation from the islands, the government?

General Tice. Yes; especially for such things as Commissioner von Raab mentioned such as Operation Blue Lightning which was a combined law enforcement effort in that region. The longer we work with the law enforcement communities, I think the better we understand one another and can get more effective utilization out of our resources.

Senator Abdnor. Let me ask you one other question. I would guess both these gentlemen will ask you the same question.

You heard our discussion earlier on what might happen with the cuts we may all be experiencing in our Government. And certainly if Customs takes cuts in the degree we have been talking about, it could have a devastating effect on some of the programs and particularly the P-3 in which Senator DeConcini has such an important part. I think some reference was made to possibly the DOD having to take it over. Do you see any possibility of something like that happening if we had devastating cuts with Customs or they had to cut back?

I mean, the record will clearly show that the P-3's are certainly paying great dividends, along with some of the other operations we are carrying on. I'm just wondering, it's easy to say that's the way it ought to happen, but is it going to happen?

General Tice. My response to that would be with the new initiatives that we have looked at over the last 8 or 9 months in concert with the

Joint Chiefs of Staff, and we have now provided Mr. Meese and his board for review for selection of what would generate the greatest payoff. I think under the current funding levels we are pretty well maximizing our support.

Senator DECONCINI. The answer is "no," then?

General TICE. I have learned in my 40 years in the service, that I would rarely , if ever, say "no."

Senator DECONCINI. Don't count on it; is that fair to say?

General TICE. I would say that we would have to reevaluate those kinds of requests.

Senator ABDNOR. Before I pursue that and turn to the other gentlemen, let me ask you, in working with the other agencies on drug smuggling, do you think your intelligence is working well together and getting the maximum out of all the agencies?

General TICE. Sir, I think that I have to be very positive about the kind of progress. There is much criticism sometimes about our inability to coordinate the Army, Navy, Air Force, and Marine Corps together. When I first got in this business, there was a lack of communication between the Federal agencies and especially the Department of Defense. But when you marry up the different agencies, like we have done to date, I would say we are hitting around 8 or 9 today out of a scale of 10. We don't consider that we have achieved the optimum relationship yet.

We have several interagency working groups. Hardly a week goes by that I do not talk to the Commissioner personally, and my staff deals with his office on almost a daily basis. We do that also with the Drug Enforcement Agency. We have an operations coordinating committee, in which the representatives of the Drug Enforcement Agency and the Customs Service and ourselves and Treasury all sit in concert.

Now that couldn't have happened several years ago. I think, thanks to this committee's efforts and Congressman English and others, you have forced all of us to reassess our associations, so that we get the maximum use out of the available resources.

Senator ABDNOR. That's good news, and I commend you all, for that means we have come a long way. I know it has a lot to do with the accomplishments we have made.

Senator DeConcini?

Senator DECONCINI. Thank you, Mr. Chairman.

I first want to say, General Tice, in my humble opinion, I don't think we would be where we are today with the assets that have been transferred from the Department of Defense to Customs without your personal intervention and the ability that you have to persuade and influence the Services to get on board with this program. And I know it has taken a great deal of your time, and I am glad that you have consented to stay with it. I think we have been served extremely well, and I hope you continue to do that.

I know that there have been three options with the Joint Chiefs of Staff under consideration for carrying out the defense authorization bill to create the new drug interdiction air wing. One of those was the Navy using the P-3B aircraft; the second was the Air Force using the C-130 aircraft, with its sophisticated radar, and the P-3B had 360 degree radar; and the third was the Navy using the P-3A aircraft out of the Davis Monthan Air Force Base, in the so-called bone yard there, retrofitting the F-15 radar on it.

Now the DOD authorization conference agreement I think was clear, that the Air Force Special Operations, with C-130 aircraft, would be used.

Can you share with us the problems which the Secretary of Defense had in ultimately recommending the use of the P-3A aircraft, rather than following the Joint Chiefs of Staff, if I'm correct, in attempting to get something better than that?

My reason for my question is I am very concerned about the Secretary's indication—and I realize he has got many things on his mind—but the Congress having to be so specific in this type of area bothers me. I don't really feel like I should be telling the Defense Department what aircraft or what Service to use, and yet, as the process was massaged so well through the conference on the continuing resolution and the lobbying going on from the different services, I saw what was happening with the Secretary of Navy not wanting to take this on with the new P-3B aircraft and the Secretary of Defense leaning toward using the old ones in the bone yard. I wonder if you can give us any indication of a better way to proceed, and maybe we need to talk to the Secretary of Defense and get him more committed to the best transfer of assets. And I just wonder if you can help us.

General TICE. Well, in this case, the assets were not to be transferred. They were to be operated within the Services and——

Senator DECONCINI. That's right, but they had to be brought up or——

General TICE. Yes, sir; and I think that cost is an important issue with us today. The other point is that we already have in the U.S. Customs Service six P-3A aircraft, so there would not necessarily be an incompatability with the Navy operating the older model P-3A's.

But as I said in my initial short oral statement, with the wording in the appropriations act, we feel compelled to go back and review this requirement and hope that within the next 90 days, we will be able to respond more completely on that issue, sir.

Senator DECONCINI. Do you have any idea why the reluctance is there?

Is there anybody here from the Air Force who could respond as to the Air Force's reluctance to take on this mission?

Colonel MORAN. I would like to give my apology, first of all, for the lack of uniform. I had a little baggage trouble.

My name is Colonel Moran from the Air Force and the staff from the Pentagon. In reference to your question, from my perspective, the Air Force does not have any qualms at all about the priorities required to fight the war on drugs. We are as committed as we can be to that.

There is not a person that I have any dealings with that feels any less strongly about it, hopefully, than you all do about doing that mission.

Senator DECONCINI. That includes doing this mission with the air wing?

Colonel MORAN. The problem comes when you get down to the specifics. What is the smartest way to do this mission with the resources that are available, and keeping in mind the Air Force's primary mission of preparing for the national defense?

Senator DECONCINI. I guess my problem is not being in the military. And if I was there, sitting across where you are and could see your point—and I do see your point—but we get awfully frustrated when we go through these conferences and we get the backwash that the Air Force says no, and the Secretary of Navy vetoes using the P-3B aircraft. You know, we would like to see one of the services step forward and say, "Hey, we want to take on that mission, if that's what you are telling us to do."

I guess I'm preaching to the choir, because I guess you would like to agree with that. But it sure is frustrating to see the services, and it is the first time, but in the conference, everybody was backing away, saying, "Don't give us that mess. We don't need it. We have too much on our platter already." Then it falls on General Tice to put it all together. I'm wondering why that seems to happen all the time.

I do know that the Arizona National Guard will do it and General Owens has expressed that. He is not in a position to assign that to his 161st Unit here, but he says, "Sure, I would step up and take it, and I would be glad to have it here." That's easy for him, because he doesn't have to come up with the money, and you do, in the Pentagon. Those are the kinds of problems we face, and it is awful frustrating. Again, without General Tice to step in on these things, I'm not sure we would ever get these things accomplished.

Colonel MORAN. From this side of the table, we share the frustration, believe me. And from my very low level in this business, I guess in a real sense, we are frustrated too, because you're not satisfied with the speed of our response, and we are trying to get a good package together, and we presented too late for the legislative process.

Senator DECONCINI. Well Colonel, I just hope that you can take back this frustration to the Air Force and the other members here, because I think it's unfair to lay it all on General Tice to come up with putting the pieces together. He has done a great job, in my opinion, but I really have to express that feeling for the record.

General TICE. I only have one comment on this, Senator. I think that our challenge is to ensure—and I know how you and your committee feel about putting the military in a primary law enforcement role—that this additional support that you have asked us to do will still assist us in our wartime training mission. That's where the dispute has arisen.

Senator DECONCINI. I think that's a fair observation, but we are talking about surveilling. Nobody here has every proposed—well, I take that back. I thought maybe there ought to be a SWAT team of military personnel, but I understand the amendment of the act, and that's not what I am proposing.

General TICE. We have some real problems about the SOF role in surveillance.

Senator DECONCINI. About what, the SOF?

General TICE. The Special Operations Wing and Special Forces have a limited surveillance kind of responsibility. So it's a legitimate concern on our part, and I would be wrong if I didn't convey to you today that we are very positive about trying to sort this problem out for you.

Senator DECONCINI. I yield to Congressman English.

Mr. ENGLISH. Thank you very much.

I would like to pick it up right there. You know, I, quite frankly, have got a problem understanding exactly where the difficulty is with the Department of Defense. I mean, this was a proposal. The Special Operation Wing was a proposal for some time in the future. The Air Force was going to do it as a DOD mission. You guys were going to get it. The Armed Services Committee was talking about it over in the House, probably over in the Senate, too, as a mission. It was something you wanted to do. And the only thing that Congress did is say:

> Well, golly, you not only have the opportunity to do this mission, but you can do this other one, as well. You can help in the war on drugs, and not only that, you're going to get training out of it. That's where you are going to get your training.

It works the Posse Comitatus Act, as it was amended in 1981, to perfection. I don't know of a single thing that has come up, a proposal that has been up and discussed before our Nation, that blends the two together so well.

And not only that, the Congress didn't even make you take it out of your hide. Some thought they should. But we provided $35 million to buy you the new airplane, a brand new airplane. Congress is funding the thing, and here we still hear this resistance of, "Well, we are not sure if it fits in with what we want to do," kind of stuff.

Now I think if the Department of Defense continues to insist on pursuing that approach, on something that is purely a detection device, then I think there is going to be some real danger for the Department of Defense. Because you know, I have been one of those, and I was one of those lone lions that stood up on the floor of the House of Representatives and got run over by a truck as we tried to defeat the amendment to require the Department of Defense to get involved in making arrests. And I think the Department of Defense was right. I don't think we should be involved in the military making those arrests.

But this should give you the kind of feel that this issue has in the U.S. Congress, because I think my credentials are pretty good in this field. But if you come back and start giving us this wooling around and squirming around and not being sure whether the Department of Defense wants to do this kind of stuff, and saying, "Well, it may not be in the authorization language," or making sure this "T" is crossed and the "I" is dotted, I guarantee you are playing with fire, and you better take that message back to the Secretary.

General TICE. Sir, I will take that message back, but I would assure you that you would be disappointed if we did not have military training objectives in whatever operations we perform within the Department of Defense in support of the war on drugs. The Chief of Staff of the Air Force has written to Members of Congress about the misunderstanding on the part of some Members of Congress who say that the ready-made mission for SOF and drug surveillance go hand in hand. That's not necessarily so. We are now trying to review that problem to determine what other options may be available to respond both to DOD needs and also to assist in your missions. That's the debate that we have in the Department of Defense today, sir.

Mr. ENGLISH. I would agree with you. The point that I'm making, though, is that I still get this feeling of reluotance. It would be one thing if the Department of Defense was being asked to take these aircraft out of their hide. It would be one thing if this mission had not been on the drawing boards by the Department of Defense itself. What we are talking about here is something that the Congress has provided. The Congress came up with the money; the Congress is funding it.

Certainly this particular subcommittee in the Senate is taking the lead in doing that. I would just ask that as long as the Congress is paying for it and is putting up the additional funds and feels strongly enough about it to do that and feels there's no question you can do both missions under the law, unlike some others that I have seen proposed, you know, I just do not understand why there would be any hesitation on the part of the Department of Defense on this issue.

Let me hit one other thing real quick. It has been brought up today, the issue of the four P-3A's. If those P-3A's were transferred to the Department of Defense, is there any kind of mission that they could perform that would in any way have any training benefit as far as DOD is concerned, in flying the area, or the Navy in flying the area, from San Diego to Brownsville, basically the area we are talking about here, that would need detection ability. Could they do that without it being described as a dedicated mission, without you being required under the Economy Act to bill the Customs Service?

General TICE. Except for a limited training mission, we would be hard put to justify having three P-3A training over land on a continuing basis, because the aircraft basically is for ASW. Its primary use is conducting surveillance over sea lanes and it would be a questionable mission if we were to continually use that aircraft over land.

Mr. ENGLISH. You couldn't do it for any number of hours, be of any signficant.

General TICE. No significant hours, no, sir.

Mr. ENGLISH. I would also, Captain, like to ask you, we are still short two P-3A's. Could you tell us what the status is of those two P-3A's that you are providing for the Customs Service?

Captain MARSH. Yes, sir; Congressman.

As a matter of fact, I talked yesterday morning before coming here to the program manager for the first of those, which is expected to enter the overhaul process this next week, and the followup on that aircraft will probably be entering in approximately 1 month. I don't have the exact figures or dates for you, but I can provide that.

Mr. ENGLISH. We would appreciate that for the record.

[The information follows:]

STATUS OF P-3A'S FOR CUSTOMS

There remain two P-3A's to be refurbished, modified, and provided to the U.S. Customs Service. The first of these aircraft is to be inducted into standard depot level maintennace [SDLM] on January 24, 1986, with the second aircraft to follow by approximately 2 weeks. Delivery of both aircraft to U.S. Customs Service is anticipated to occur by the end of calendar year 1986.

Mr. ENGLISH. Gentlemen, let me say one last point, and I might ask you to comment here, but I don't think you are going to want to comment. But I was responsible over on the House side for getting this initiated, and the Senator was good enough to follow through in the Senate. As you know, before you took your present position, we had a person who was a civilian, quite frankly, a civilian bureaucrat, who was performing that function. General, the Department of Defense role in the drug war was what I think would be described as massive misinformation and nonsupport at virtually every turn. And the Secretary, I have got to say, fixed that when he put you in that job, namely with your three-star status, at that time.

Now, as I understood it, the Army, in particular, was running short a three-star slot. And so we took the very unusual step on the floor of the House of Representatives of actually creating a three-star slot within the Department of Defense specifically for you. It was for you. It was done that way, not only was it my intent in offering the amendment, but it was also the intent of the Armed Services Committee when they accepted it, and everybody understood that. For some reason, that slot has not been filled by you, and I don't understand why. I have never yet received a satisfactory response. I know it doesn't have anything to do with you personally.

So this is another one of those things that troubles me and makes me wonder about the commitment of the Department of Defense on the war on drugs. They don't want someone who is carrying out that responsibility in that role, filling that slot, if that slot becomes designated for that purpose. That troubles me a great deal.

This is the other thing. I am getting a little body language out of DOD, and I don't much like it, as it deals with the C-130's that were provided by the Congress. So I hope you will take that message back, as well.

Like I said, I'm not going to ask you to comment. I thought it was important to make that point, and I hope, again, this is another message that is sent back to the Secretary. We're getting the wrong signs as far as some of the commitments of DOD on this war.

General TICE. I hope that you don't seriously believe that; those vibes are wrong. The Secretary of Defense created my office to show his commitment and staffed it to ensure that there was a central office within the Department of Defense to assist drug law enforcement. We have been in existence now for almost 2 years, and I think that that shows his commitment.

Of the 16 initiatives that we submitted, I think they are very positive. It's not appropriate to discuss those in an open session. I would just leave this committee with the view that there is no doubt in my mind, or I still wouldn't be serving there in this interim role as a civilian appointee if the Secretary of Defense was not committed to continuing the kind of support that we have been providing over the last 2 years.

Mr. ENGLISH. As I said, General, there is no question in my mind—and I certainly haven't even heard this hinted, which is unusual for Washington. But I have never heard anyone say anything but complimentary things about the fine job you have done, not just DOD, but that's true as far as Captain Diehl is concerned. I would take it as a sign of good faith, to see that action take place in the very near future. And I said that I'm not asking you to comment on that, but I do want that message sent back to the Secretary.

General TICE. I would make one final comment, Mr. Chairman. I certainly don't deserve much credit. The credit goes to each of the services who now has a central point of contact. And I can give you examples where they have responded in matters of hours to provide material assistance and intelligence assistance to the law enforcement communities when those requests have come in. It is to their credit that they have developed this kind of attitude, and I don't think there is anyone in this room that doesn't understand there is a pretty tight line that we all walk. We have 200 years of history with the public not wanting the Armed Forces to get involved in arrest and seizure. We are still committed to that position for our country because we think it's in our best interests.

On the other hand, I can assure you that Secretary of Defense Weinberger and each of the service Secretaries are committed to doing everything we can within the parameters that the Congress has seen fit to give us, sir.

Senator ABDNOR. Thank you, General. I am sure the branches deserve a lot of credit, but we know that you put it together and have it working, and it does take someone to keep the different branches working together.

This is a very complex problem. We all admit that, and as the funds get tighter to find, we look wherever we can to try to take money from Peter to pay Paul. We have been doing that in our own committee to beef up different law enforcement agencies. It's going to get worse, and we are trying to get as much out of the Defense to help us here as we can. We just can't afford to let it down.

A lot of us do feel that this drug problem is equally as important as defense. It can destroy America as quickly as other powers and countries of the world can, too. So we have to put it in the right perspective. It's just that you're so available and you do such a fine job, we just keep trying to put more off on you, and I guess we might have to do that as dollars become harder to find.

Senator DECONCINI. I think, General, that the problem is that the President, as Congressman English has pointed out, says this is as great as anything that we face. I'm glad that he says that, because obviously the weight of that office, I think not only represents what the people think in this country, but carries a lot of persuasion for those who may disagree with that. We just hope that it is translated in the Department of Defense when these cuts come, because we know that the SDI is continuing to be a priority of the President. He said so, and other than our weapon systems, this one is just as important—one of the worst when terrorism is linked with it. We hope that real leadership within the Department of Defense will come up with some solutions.

If, in fact, for some reason the air wing is cut or if, in fact, the existing P-3's in Customs are turned back to the Department of Defense, we will be looking to you, because the Commander in Chief of this country has said, "Hey, this is just as important." And he says that it's the most important problem facing this country, along with terrorism. I think Congressman English underscored that very well, and that's the hope we have. And I will present that to the Secretary of Defense, I can assure you, when I get an opportunity to do so, of what my feelings are, to have him reassure me that he agrees with the President of the United States, and intends to formulate policy and programs along that line.

Mr. Chairman, let me thank you for the hearings.

And General Tice, I thank you, too, for your tolerance. I'm sure if we were all in the service, these would be operated completely differently, and that's the reason we have these hearings. But I appreciate the patience and the consideration of the military coming here and listening to our frustrations. I know, based on your performance, that you will take our messages back. And I can assure you that your frustrations and your concerns are certainly registered here with this Senator. Thank you.

Senator ABDNOR. Thank you, Senator DeConcini.

Mr. ENGLISH. Thank you, Senator.

Senator ABDNOR. We will close our session here today, but I certainly want to thank Congressman English for participating and making such a great contribution. You are going to be with us, I hope?

Mr. ENGLISH. Yes; indeed.

Senator ABDNOR. Fine. I want to thank each and every one of our witnesses for their participation in this hearing. I think that in any review of the record, it will show that we have made progress but that these ever-changing front lines of the drug war make the job a difficult task at a difficult time. We are trying to make our dollar go as far as we can. I know it's not going to be easy, but if we contiue to work together, I think we will continue to see some success.

SUBCOMMITTEE RECESS

So if there isn't any further business to come before the subcommittee, we are going to stand in recess until 1:30 p.m. on Thursday, January 9, when we will reconvene in Sierra Vista.

[Whereupon, at 4:55 p.m., Tuesday, January 7, the subcommittee was recessed, to reconvene at 1:30 p.m., Thursday, January 9.]

DRUGS AND DOMESTIC TERRORISM THREAT TO ARIZONA AND THE SOUTHWEST BORDER

THURSDAY, JANUARY 9, 1986

U.S. SENATE,
SUBCOMMITTEE ON TREASURY, POSTAL SERVICE,
AND GENERAL GOVERNMENT,
COMMITTEE ON APPROPRIATIONS,
Sierra Vista, AZ.

The subcommittee met at 1:30 p.m., in the Sierra Vista City Council Chambers, Sierra Vista, AZ, Senator James Abdnor (chairman) presiding.

Present: Senators Abdnor and DeConcini.

Also present: Representative Glenn English.

NONDEPARTMENTAL WITNESSES

OPENING REMARKS OF SENATOR ABDNOR

Senator ABDNOR. The subcommittee will come to order. Today we will continue the proceedings we began on Tuesday in Phoenix. We heard from several witnesses as to what direction the Government is headed with regard to future enforcement activities. Today we will expand a little on that effort while concentrating on the effort being undertaken here in the Southwest. We will also broaden the scope by looking at the ever increasing problem with terrorism.

When I say in the Southwest, I want to tell you how pleased we are to be in Sierra Vista. It's a lovely, beautiful city—the first time I've had the pleasure to be here.

I was more than happy to accept the invitation of Senator DeConcini to come here with the committee. This is an important area of our concern as well as being a lovely place to come to.

There is no doubt that much more must be done with regard to drug activities, and I know everyone on this panel is committed to that effort. We are also most concerned about the growing terrorism threat and what can and must be done to protect the citizens of this Nation from this barbarism.

I just want to say that Senator DeConcini, your Senator from Arizona, who is the ranking member of this subcommittee along with myself have done yeoman's work in this area. He has brought it to all our attention, and I know that he's really taken the leadership in this effort, and coming from South Dakota we owe a great deal of credit to Senator DeConcini on this matter.

I must say, and I want the record to reflect the contribution not only Senator DeConcini has made but also my friend and colleague from the House side, Mr. English, Congressman Glenn English, who has spent hours and hours gathering data on this information. We are very, very pleased that he would take the time to come down and join us.

So without taking any other time other than to tell you it's a real pleasure to be here, I can assure you the climate at this time of the year is much more inviting than South Dakota where I come from. We think it's a great State, but there are times when we have to yield to our southern neighbors, and it's great to be here.

Senator DeConcini, do you have anything you want to say?

Senator DECONCINI. Thank you, Mr. Chairman. I think it's only fitting that you're a step ahead of Congressman English and myself as the chairman of this subcommittee and as our guest in Arizona.

Let me begin by thanking you very much for holding these hearings here and taking the time from South Dakota and Washington, DC.

You've been a real champion, Senator Abdnor, in the war on drugs and you are equally committed to combating terrorism both here and abroad.

I also want to welcome one of the real architects of our antidrug effort, a friend of mine, Congressman Glenn English of Oklahoma. He's chairman of the key House Government Operation Subcommittee that has oversight of the Federal law enforcement agencies involved in this effort.

I am delighted to have both of you outstanding gentlemen here. I also want to thank the city of Sierra Vista for hosting us here—Mayor Jean Randle for her leadership in the city council, for making things as pleasant as they are, and the testimony I know she is going to give on behalf of the Mayors Bethel, Williams, Mellentine, and Peters. We appreciate the effort that was made in contacting these mayors, and they have all had some input, which Mayor Randle will be sharing with us. Also, Mayor Varona, of Nogales, for his leadership in coming here and bringing us the interest and concerns of Mayor Murphy of Tucson; Clark of Yuma; Ekstrom of south Tucson; Reyes of San Luis; Sanchez of Patagonia; Alan Polley, an old friend of mine from my county attorney days, representing the County Attorneys' Association and the Southern Arizona County Attorneys; Mr. Neely of Pima County; Mr. Machado of Santa Cruz County; and Mr. Ellsworth of Yuma County.

The hearing today will have a two-pronged focus. First, we will discuss a new and exciting drug interdiction asset that will be located here in Sierra Vista at Fort Huachuca—of course, I am talking about the new aerostat radar detection system. The huge balloon-like device will be able to place a sophisticated aircraft detection radar system at 10,000 feet above the floor of this valley to provide and detect low-flying drug aircraft as they come across the border in conjunction with the U.S. Customs Service. I am proud to have sponsored this amendment that made this new aerostat system available to Customs, and I am very proud that Senator Abdnor has been such a strong supporter as well and, on the House side, the leadership lies with Glenn English.

Second, the hearings will attempt to address the matter of domestic terrorism: the threat it poses to the Nation, including the Southwest; and how the weapons, explosives, and drug trafficking criminal element in the United States and abroad is connected with the terrorist threat.

Back in July, I introduced legislation that would, among other things, establish an antiterrorist training academy at the Federal Law Enforcement Training Center at Glynco, GA, and also Marana Air Base in Arizona. The bill would also make antiterrorist training mandatory for all Federal law enforcement officers, which it is not today, and beef up counterterrorist personnel resources in several of the Federal law enforcement agencies involved in antiterrorist activities.

Finally, the bill would mandate stringent new safety and counterterrorist security measures at international airports.

Senator Pat Leahy, vice chairman of the Senate Intelligence Committee, said on "Meet the Press" most recently that we are very ill-prepared to combat terrorism here at home.

I happen to agree with that. We have outstanding law enforcement officials, but there is almost no training in antiterrorism.

We are delighted to have an outstanding group of witnesses today, many of whom have flown in all the way from Washington and other parts of the country to be in beautiful Sierra Vista for these hearings. Their presence here today should tell us about their commitment to both the war on drugs and what can be done to combat terrorism.

Mr. Chairman, again I welcome you and thank you for holding these hearings, and Congressman English, thank you for being here with us today.

Senator ABDNOR. Thank you, Senator DeConcini, and Congressman English, a man we look to for a lot of our information and background and leadership——

Mr. ENGLISH. Thank you very much, Mr. Chairman. I too will say that it is indeed a pleasure to be in Arizona and to be asked to participate with this outstanding committee of the Senate. It's a little unusual for House Members to be sitting with Senators and Senators sitting with House Members, but it happens with some regularity on this subject.

On the subcommittee that I chair, we've also been pleased and privileged to have these Senators join with us. In fact, there have been some 10 hearings in which we have jointly worked in the spirit not only of House and Senate efforts, but also by partisan efforts by combining both the support of Republicans and Democrats.

I think where we are today is to try to determine exactly what we're going to do in the future in the war on drugs. I think without question, primarily due to the outstanding efforts of these two gentlemen, that we've made some very fine advances. We've got a lot of new equipment that's going to be coming on line in the next couple of years. We've got some new equipment that has already come on line, and many of you are aware of the two new detection aircraft up in Tucson, the P–3's, that are outfitted with look-down radar. I would call them a poor man's AWACS that for the first time gives the Customs Service the capability of seeing low-flying aircraft as they attempt to sneak across our borders. Certainly, the tethered aerostat that is proposed for this area is also one of the major radar gap fillers that we need along our southern border.

I think without question that we can cut back substantially on the amount of drugs that come into this country. I think we can see some real success as far as the drug problem in our Nation.

But there has been a growing phenomenon many people need to be aware of. There has always been the connection between drugs and crime. In my own district, in Oklahoma County, the district attorney there says that roughly 70 percent of all violent crime in his area is drug related. There is a growing connection now to terrorism.

We see the movement of guns south to insurgents in various countries drug smugglers who are under the protection of those insurgents. Then we see the shipment of the drugs back into this country, and the money is provided for insurgents. There may be a growing connection in the future with terrorism.

So these elements are all intermingled, and that's the reason that it's critical that we address this issue, not just from the standpoint of drugs, not just from the standpoint of terrorism, or insurgency, but that they all be looked at in the same light and because many of the same tools will be necessary to perform the same job.

Mr. Chairman, I would like to commend you and your subcommittee, and certainly, I want to commend Senator DeConcini for his outstanding work in this area.

He has been a leader, whose leadership has not only been in the Senate, but that leadership has given guidance to many of us in the House of Representatives.

Thank you very much, Senator, for having me here.

Senator ABDNOR. Thank you, Congressman. As Senator DeConcini has said, we have a very outstanding set of witnesses today.

I must say that we will have to wrap up our hearing by no later than 4:30, but I hope that gives us sufficient time to make the most from our witnesses.

The first group of witnesses will be the Honorable Jean Randle, the mayor of Sierra Vista. Mayor Randle will be representing the cities of Sierra Vista, Willcox, Douglas, Bisbee, and Benson, AZ. We are grateful she could be here along with the Honorable Marcelino Varona, Jr., mayor of Nogales, AZ. Mayor Varona will be representing the cities of Nogales, Patagonia, San Luis, south Tucson, Tucson, and Yuma, AZ. And mayor, we welcome you.

Last in this group of witnesses will be Alan Polley, who is the county attorney of Cochise County, and he will be representing Cochise County, Yuma County, Santa Crux County, and Pima County. We welcome you to the subcommittee. We will ask you to come forward.

I will say, if you have written testimony, the entire written testimony will be made a part of the record.

If you care to summarize, proceed in any manner you care to. Go right ahead.

We'll start with you, Mayor Randle.

STATEMENT OF HON. JEAN RANDLE, MAYOR, CITY OF SIERRA VISTA, AZ

Mrs. RANDLE. Senator DeConcini, Senator Abdnor, and Congressman English, thank you on behalf of the mayors from Bisbee, Benson, Huachuca City, Douglas, Sierra Vista, and Willcox, for the opportunity to express our views on the most critical subject matter of this hearing.

We believe local governmental agencies are not prepared to handle and do not have the resources allowing them to handle the problem which a terrorist attack will create. The Federal Government must take the primary responsibility for prevention and handling of terrorist-type attacks. We are aware of several potential targets for terrorist attacks within our communities. The most obvious is Fort Huachuca. But in addition, there is the threat of attack against utilities, communication switching stations, and transmission lines. Also, terrorists may attack airports, railways, and other means of interstate commerce.

There is a need for a basic plan of action that would provide for the defining of responsibility and the unifying of resources for the several jurisdictions. Currently, there is no plan which would provide for the definition of what each Government agency could, and would do, to address a terrorist act. Without such a plan, who would be in command of the operation? What type of resources would be available for the countering of attack by terrorists? Who would be responsible for negotiation with the terrorists? And, finally, who would be financially responsible? Additional support and funding must be available though the State and Federal Government. In addition to the actual handling of the terrorism, there is a need for increased training and funding for the prevention of terrorism. There is a need to provide the training of local and State officials, which will provide a multiagency level of expertise in which law enforcement could draw from and all agencies would thereby have a common knowledge and understanding of the problem and how to handle it.

Next, we must consider communications. When terrorism occurs, who do we call? How do we contact the appropriate authorities? And under what conditions will they respond and what resources will they be able to provide? We currently do not have a system for accessing, through a central point, resources which are available on the State and Federal agency level in an emergency. Likewise, there is not a central contact which would know what resources are available, and under what conditions they would be able to respond to the local agencies. We have experienced local disasters. Contacting the appropriate authority in order to obtain additional resources is a major problem. One solution to this could be the establishment of a 24-hour hotline to the State and/or Federal level to provide for rapid contact with key people needed to activate necessary resources.

Intelligence can and often does fail the criminal justice system. Information that a terrorist attack is going to occur is a paramount concern. But this information is of little use after the attack occurs. There is a need for the intelligence community to gather the information and in a timely manner, disseminate the information to the appropriate agencies.

Arizona/Mexico border—in response to this, there has not as yet been a reassignment of personnel by the Federal agencies to replace these previously closed offices. We would like to see the use of Fort Huachuca and/or military personnel to be utilized for surveillance and drug trafficking on the border.

In addition to the reduction in enforcement personnel, we have found that there are not sufficient resources for prosecution. Drug traffickers are bringing in large quantities of narcotics across the border, but being aware that the U.S. attorney will not take cases unless they are of a certain quantity, the loads of drugs tend to be just short of that quantity which the U.S. attorney will prosecute. Although the trafficker may be apprehended as he crosses the border, the law enforcement community is merely left with a situation of seizing the contraband and contacting the local attorney to ascertain whether he will, in fact, prosecute on a State level. The State court system is equally feeling the pinch of resources. Local prosecution has tended not to absorb the caseload which has been declined by the Federal agency.

It is our belief that we must utilize the laws that are currently available for prosecution to their limit. The Federal agencies must prosecute all cases no matter how small the quantity is. We request that if Federal drug enforcement agents are working in our jurisdiction, that our entities be contacted.

The drug trafficking business is like any other business in that they have a supply and demand. We are currently attacking the supply side by attempting to prosecute and apprehend the traffickers in narcotics. But at the same time that we are emphasizing the trafficking of narcotics, we are ignoring the demand side of the business. We must also provide a combination of education, and the application of penalties within the current legal system in order to reduce demand. When was the last time that there has been a subject sentenced to jail for a small bag of marijuana? Reality is that, most times, the violator is merely fined and placed on probation. The problem is this cycle will be repeated. If the user of narcotics were jailed, this would increase the deterrence. Sufficient deterrent will, along with the attack on the supplier, in fact, reduce both the supply and the demand of the narcotics.

Another avenue of approach to the drug trafficking would be the establishment of mandatory sentencing for certain drug trafficking. These mandatory sentences would provide a known penalty. Time and time again we read in the papers where there are drug violators apprehended, tried, and fined hundreds of thousands of dollars, and the trafficker can merely pay the fine in cash. It is obvious that the mere imposition of a fine does not provide a deterrent. Certain incarceration may provide the deterrent that otherwise would not be felt by the trafficker of narcotics.

Besides the Federal Government's increased actions along the border in order to combat narcotics, we also feel that it would be appropriate for increased funding and resources to the local agencies so that they can assist and provide support to the Federal agency in the combating of the trafficking of narcotics.

Our final concern, in addition to the terrorism and drug trafficking, is the security along our southern border. With the economic problems faced by our neighbors to the south and its attendant social unrest impact on local agencies near the border is clear. Currently, we are experiencing a demand of stolen weapons from our community being exchanged for the drugs that are being provided by our neighbors to the south. This type of exchange is a sample of the type of criminal activities which serves both the drug violators and the social dissidents in communities south of our border. We feel that it is of paramount importance to our national and local security that we increase the protection along the border.

One specific concern of great importance would be to designate Douglas Municipal Airport as an international port, which would facilitate the support we believe is critical to success.

In conclusion, it is apparent that, in order to combat these types of terrorism and drug trafficking, that not only local agencies, but Federal agencies must join together in order to combat these problems on all levels and provide for information exchange, training, funding, and joint enforcement activities for the protection of our society both within the community and within the Nation.

We respectfully request that this statement be made a part of the hearing record.

Thank you.

Senator ABDNOR. Thank you, Mayor Randle. I assure you the entire statement will be part of the record. I want to commend you on your very fine statement and your views which will be very helpful. I think before we ask any questions we will hear from our next two witnesses, and then the same questions may not need to be asked.

Mayor Varona, why don't you go ahead.

STATEMENT OF HON. MARCELINO VARONA, JR., MAYOR, CITY OF NOGALES, AZ

Mr. VARONA. Senator Abdnor, Senator DeConcini, Congressman English, the communities that I represent wish to take the opportunity to thank you for giving us the opportunity to express our thoughts and concerns on the subject matter.

Acts of terrorism attributed to the smuggling of illegal drugs should not be thought of as strictly limited to major points of entry nor metropolitan areas. It is well recognized that smaller communities along the border do have substantial illicit activities stemming from the drug market, Government fraud, and the socioeconomic conditions that arise as a result of rapid growth and constant migration into this country.

The city of Nogales, AZ, is no exception. Our population of a recorded 16,127 people does not reflect an accurate picture. The invisible population, that is, those that comprise members of the extended families in our community, the over 190,000 residents of Nogales, Sonora, Mexico, and those persons that are just passing through, make our community a major populated area. Additionally, we must also consider that this combined population resides within a 4½-mile radius. This density of population creates a major obstacle for the enforcement of peace and safety.

The two communities greatly depend on each other for their subsistence and labor markets offered as a result of international trade. But as social conditions and unemployment dictate, residents tend to look for other sources which promote illicit trade in their search for economic gains.

More specifically, the existing international trade makes it possible for both the illegal importation and exportation of items, whether it be guns or other weapons into Mexico or marijuana or cocaine into the United States.

Although I do not have statistics on this illegal activity readily at hand, the severity of the problem is evidenced by the great numbers of Federal agents stationed in Nogales, operating solely for the purpose of enforcing immigration and importation laws. And, as reports indicate, their activities are concentrated in the constant surveillance of illegal aliens and the smuggling of illegal drugs.

The effect that such an environment creates in our community is one of apprehension, caution, and fear. Although most observations would conclude that Nogales is simply a point of departure for illegal drugs into this country, we must not neglect to believe that a certain percentage of these drugs remain in our community. We might even state that the distribution of illegal drugs provides a means of livelihood for some of our more respected citizenry.

Our community, therefore, becomes a target, not only because of the actions of those who profit from illicit trade, but also because of the presence of those who enforce the laws against illicit trade. Regular media reports by the Mexican press offer continuous news items about crimes that take part in our border city on a day-to-day basis. And as our community grows, particularly in terms of our invisible population, so will our crime rate increase.

And because of our strategic route to the United States, the community will become a target for acts of terrorism, not only directed toward the Federal agents and employees who comprise a large majority of our employment spectrum, but also against city and county officials who direct their own activities toward the prevention of fraudulent business and corruption in the community.

While Federal attention is being concentrated on larger communities, it is the smaller border towns where crime and acts of terror also become a threat. Who would expect this to be true? Only those of us who see this on a day-to-day basis can imagine this probability, as we constantly observe the Federal Government wrestle with ways to curb these problems which have arisen to a point we would not have thought possible.

Insofar as recommendations are concerend, suffice it to say that expert in this area have already provided Federal agencies and Congress with ample solutions to the problem. Our recommendation would be a simple one—that it is a matter of prioritizing the concerns of the country and acting on the enforcement of our already-existing laws and to cease eliciting continued rhetoric on the subject.

Thank you.

Senator ABDNOR. Thank you, mayor. I appreciate your testimony. Certainly, you have had firsthand experience in witnessing many of the problems we are facing. We are grateful for your testimony.

The last witness is Mr. Alan Polley.

STATEMENT OF HON. ALAN K. POLLEY, COUNTY ATTORNEY, COCHISE COUNTY, AZ.

PREPARED STATEMENT

Mr. POLLEY. Mr. Chairman, with your permission, I would like to approach and delivery my remarks, and I will try to summarize.

Senator ABDNOR. Very good. We appreciate that. This will remain a part of the record. We are very much aware of your knowledge. We are anxious to hear from you.

[The statement follows:]

STATEMENT OF ALAN K. POLLEY

On behalf of Stephen D. Neely, Pima County attorney, Jose Luis Machado, Santa Cruz County attorney, and Alan K. Polley, Cochise County attorney, the following collective statement is submitted concerning the drug and terrorist threat to our southwest border:

DRUG THREATS

DESCRIPTION OF THE PROBLEM

The problem of border counties with illicit drug traffic has always been severe. However, during the late 1970's and early 1980's, large scale trafficking, particularly in marijuana and cocaine, moved to the southeast Florida and gulf coasts. It is now moving back to our border. Estimates are that quantities imported through our counties to other parts of the United States will soon match those of the early 1970's.

ROLE OF VARIOUS AGENCIES

There is increased cooperation between enforcement and prospective agencies, Federal and State. The Southern Arizona Law Enforcement Coordinating Council has played a role in this cooperation as has DEA task force money. After a slow start, and with considerable prodding of the prior U.S. attorney by local prosecutors, the Federal Government has now devoted more prosecution resources to drug cases.

OUR CONCERNS

We believe that importation of illegal drugs across international borders is a Federal problem. We believe that integrity of our international boundaries is a responsibility of the Federal Government. This is true even when importation involves small quantities for use in Arizona, California, or New Mexico. It is also true when large quantities are shipped through Arizona to New York or Chicago. We want to cooperate with the Federal Government in solving this problem but we insist that Congress, the administration, and the Federal judiciary understand that it is their problem and they must act to solve it. Our concern is that the control of drug trafficking across international borders is considered a State responsibility when it is not.

OUR RECOMMENDATIONS

The control of international drug trafficking as it effects this country should be a major concern of the Department of State second only to national defense. It is not just a law enforcement problem, it is a problem in international relations. Our relations with Mexico should depend on their willingness to cooperate with us in destroying the international drug traffic from their country into ours.

Congress should consider legislation which would allow more military involvement in illicit drug interdiction in border areas. Military equipment and personnel should be made available for this purpose.

The administration should insure that all Federal law enforcement agencies and the U.S. attorneys in each district have adequate local autonomy. Freedom to affect policy locally is absolutely essential to effective cooperation between Federal agencies and local law enforcement. Many times, the faulty decisions of bureaucrats in Washington adversely affect the enforcement efforts in the field.

TERRORIST THREATS

DESCRIPTION OF THE PROBLEM

To date our counties have not faced organized terrorism. However, there are signs that indicate terrorist threats and acts may soon become reality.

For the most part, crimes affecting rural border residents in the past have been nonconfrontational. Residences appeared to have been under surveillance and when the occupants left the residence unattended, burglaries and thefts occurred. Recently, we have received complaints from citizens who have been confronted with armed assailants who have openly and aggressively made entry into occupied residences, made armed threats, and have inflicted physical violence upon our citizens. Current graffiti denotes that Caro Quintero, the drug terrorist believed to be responsible for the abduction and murder of U.S. Agent Camarena, has become likened to Robin Hood and is well known and respected for this infamous terrorist act. "Viva Caro," "Viva La Mafia," "Caro Estaba Aqui," are signs of the times.

Violence appears to be on the upswing in drug traffic circles. At midnight, December 31, 1985, fully automatic gun fire could be heard coming from the Mexican side of the border in celebration of the new year. One can only be speculative as to which groups were discharging those weapons.

ROLE OF VARIOUS AGENCIES

We are not aware of any coordinated effort to become aware of potential terrorism or how to react to the problem should it become reality. The FBI has assisted local law enforcement agencies in establishing hostage negotiating teams and has offered support in thie area.

OUR RECOMMENDATIONS

The physical characteristics of the border coupled with its general condition of being noninhabited will make interception and prevention of terrorism very difficult for local authorities.

The Federal Government must recognize its responsibilities in making the border safe and in developing and implementing any programs for prevention or retaliatory actions should terrorism originate from across the border

Mr. POLLEY. Thank you. Members of the subcommittee, I am speaking on behalf of the four county attorneys whose counties border Mexico along Arizona. They would be roughly 400 miles.

The county is basically uninhabited except for isolated communities more in this county and Nogales than probably the first 100 miles of the border would account for over 90 percent of the population on the U.S. side. The other part west of Nogales to Yuma is no man's land.

On any given time, if you were to take a census, you wouldn't find anyone with much lawful business. The only business there are for improper reasons.

For the most part, the drug threat is not new to this area, and there was a shifting of it. It appeared in the 1970's and 1980's where a good portion of the trafficking went to the east coast and the gulf area.

Because of increased enforcement in those areas now, the point of least resistance has shifted in our direction. We face more now than we have in recent years, and it's reaching the porportions that occurred in the early 1970's.

There appears to be increased cooperation between local and Federal authorities as compared to times past.

There are law enforcement coordinating committees and councils that are in existence and have supplied sufficient or considerable help and assistance to the local authorities in addressing the problem.

The Drug Enforcement Administration has had budget problems, I guess, as everyone else, and we do not have the number of task forces that are needed and not the number of task forces that existed in the past.

In other words, the Federal agencies used to have local people here on the border, and they were resident agents that worked with the problem, worked directly with the local law enforcement people, and that has not been provided.

In recent years, they do not have the manpower to do that. As a result, the Federal Drug Enforcement Administration agents are at an urban, unconnected locations and so they have not been able to perform as much or as well, because of those problems.

Our concerns, and excuse me for being a little bit defensive. Many times, I guess you describe the problem as you perceive it through your own situation.

We feel that the Federal Government has really not recognized or accepted its responsibility in this problem of drug trafficking in many ways; that it has been, by policy or by determination, you know, at the national level in Washington, a determination that no offenses will be prosecuted.

As Mayor Randle has suggested, there are numerous cases that occur at the port of entry all the time where amounts of marijuana up to 50 kilos, 110 pounds, that are not addressed. It is handled as a misdemeanor in a city court.

The Douglas City Court would be the only agency who is willing to address it and respond to it, and they have very limited ability to do so.

The State is not willing to take over the problem because the State courts and the State prosecutors are accounted for.

They have more than sufficient business to handle now, and they cannot assume and take on the workload that is perceived by us to be a Federal problem and a Federal concern.

We cannot control the border. It is for the Federal agencies to control the border.

Our recommendations would be that the control of international drug trafficking become not only an issue addressing law enforcement agencies, but it become a concern of the State Department; that its policies and its relations, its international relations with the country, the Republic of Mexico, be to some extent geared with a recognition that the problem has to be addressed in Mexico, and it has to be reduced—that we cannot take on the problem as it crosses the border. There has to be some effort made on the other side of the border.

We would recommend that Congress consider legislation that would make use of military equipment and personnel more readily available such as this committee is discussing and considering and has been mentioned in these hearings.

We feel that is a good idea. There is considerable manpower, equipment, and personnel which would be available if it could be channeled in that direction, and we recommend it as urgent.

Our final recommendation is that there be a change in the shift of policy to give more authority to the local Federal agencies that deal in the rural areas; that many times, prosecutorial policy, the enforcement policies of the Federal agencies are not determined by the people in Arizona, but they are determined at the Federal level in Washington, and many times, the hands of the Federal agents are tied to an extent by that policy.

I will now shift to the terrorist threats. To date, our counties have not had any evidence that there are organized and deliberate acts of terrorism that are carried out to obtain some indirect either political or other goal.

For the most part, the crimes that have affected our border residents have been nonconfrontational. This was in the past. It would be a situation where it would appear that the residences has been watched. When it appeared that no one was there, then there would be burglaries and thefts.

That has changed in the last, like, year now. We have situations where trespassers are visible. They are obvious. They will make overt and agressive entries into known occupied structures. Weapons are utilized. Threats are utilized. There are—well, it's just a shift in property crimes now to crimes of violence against people to carry out the theft and the robberies. I am sure you will recall the drug enforcement agent from the United States who was abducted and killed in Mexico, Mr. Camerena.

Caro Quintero is the drug king who is recognized as being the man behind it.

He is the person supposedly very high in drug trafficking in Mexico.

This Caro—he is like Robin Hood. He has become a hero of sorts. He has taken on the U.S. Government, and he is recognized and respected for his terrible acts.

There is graffiti, some of the pictures I have given to Senator Abdnor, which shows that Caro—it's like a symbolic thing, a political thing—"Viva Caro" or "Caro is here" or, you know, "Long live Mexico; Death to the United States."

Connected with the drugs, it is a tie-in, as Congressman English said. There is developing a connection between the two problems.

At New Year's Eve this year, December 31, 1985, there was a sound of automatic gunfire occurring across the line from Douglas. It was not an act of terrorism. It demonstrates that the weapons exist; that they are there.

We are really not aware of any strong coordinated efforts that exist between the Federal and State agencies to anticipate, to try to figure out how we are going to deal with this problem if there does turn out to be acts of terrorism in reality.

The FBI has been helpful. They have provided expertise in giving training in hostage negotiations. They have offered resources to negotiate hostage situations. That's been the extent. It's like the next wave that's coming. No one is in a position to address it or solve it.

We would appreciate it very much on the local level what assistance we could receive on the local level in dealing with this new and unknown and untested problem.

Our recommendations again on terrorism deal very much the same as with the drug problem.

The local counties, and we are rural counties, are not able really to deal with the problem. We need Federal assistance. We need to have Federal programs. We need to have Federal personnel to carry it out.

We are willing to cooperate and want to cooperate.

We need to inform you that we cannot handle it. It is a Federal problem and must be addressed by Federal people.

I appreciate very much your concern and consideration. We thank you for coming and talking to us and listening to us and helping us with our problem.

Senator ABDNOR. We want to thank you folks. You are the ones closest to the problem, and surely, you can give us very, very valuable input and have already.

We are aware of the fact that you could use more manpower in Customs and law enforcement. All the way through, we continually strive to do that.

We haven't always met with great success with everyone in Government or Congress and in some cases in the administration. I say that being a Republican.

This problem has been going on for quite some time, not just the last 5 years. It's getting continually worse.

Let me ask you, all three of you: Have you noticed an increase in drug trafficking since we have put greater emphasis as you probably know on Florida and beefed up that area?

Can you see quite a difference in the last few years?

Mrs. RANDLE. I would like to say here that, in Sierra Vista, where we have some burglaries over the years, they had not been drug related.

Recently, we have had increased burglaries, and they are drug related, so that way, we know that the drug problem is worse than it has been.

Senator ABDNOR. Mayor Varona, have you seen a lot of drugs coming in more than before.

Mr. VARONA. Our police chief has indicated there has been an increase. There is a direct correlation between the increases and the financial stability of Mexico. I think part of the increase in the drug trafficking, we need to go ahead and address, as President Reagan has and Governor Babbit has, before a congressional hearing, the assistance in Mexico in their financial difficulties right now as well as those Latin American countries that are involved with these loans.

We need to look at that angle also.

There has been an increase in that, but there are more problems that circumvent that than what we are looking at right now.

Senator ABDNOR. Would you care to comment, Mr. Polley?

Mr. POLLEY. Yes, Mr. Chairman. In my opinion, the enforcement on the east coast has resulted in the shifting of operations to here. It's almost like the Olympics or the NFL.

The record is being broken every day as to the size of the load, the size of the load that is confiscated. The amounts are definitely on the increase both in the frequency of finding them and the quantities involved.

I am making the comparison now to what it was, say, in the, you know, the early 1980's.

At that time, there was a reduction because of the increased enforcement during the 1970's. There was a reduction in the early 1980's.

Now, it's swung back. We are back in business as we were in the early 1970's before the emphasis was made.

Senator DECONCINI. What is the amont generally understood by all of you in the prosecutorial and governmental area that the Federal district attorney has as a limit in the prosecution of marijuana—100 pounds?

Mr. POLLEY. Fifty kilos, 110 pounds.

Senator DECONCINI. So you actually have experience where there is 40 kilos and the U.S. attorney's office says they will not prosecute it; is that correct?

Mr. POLLEY. Yes.

Senator DECONCINI. Or some relation to those kind of numbers?

Mr. POLLEY. What would happen in that situation is a person transporting would be turned out. These would be port of entry violations, right at the port of entry, not smuggling.

Senator DeConcini. My next question is: What about the smuggling? What if they are caught in the city of Sierra Vista? If they come across at Nogales or are caught in Douglas or Bisbee with 40 kilos by Federal agents, will the U.S. attorney prosecute them?

Mr. Polley. In those situations, those defendants would be apprehended by State authorities. They would be prosecuted through the State courts.

To my knowledge, there is not even an attempt to have such a thing turned over to the Federal authorities; you know, the assumption being it came from outside the country. That does not——

Senator DeConcini. These are actual cases where the Federal U.S. attorney won't prosecute—right at the border; right where they are coming across; and right where they are caught?

Mr. Polley. I don't believe it's even presented to the U.S. attorney's office.

Senator DeConcini. I see.

Mr. Polley. The port of entry officials say if it doesn't come up to this amount, we don't even make a case out of it. All we do is take the contraband, turn the transporter back.

Senator DeConcini. Wasn't I under the impression that, within the year, that in the county of Santa Cruz, and Mr. Neely in Pima County perhaps, with the U.S. attorney not prosecuting, refusing to prosecute smaller amounts of drugs that were taken off after they were in the United States?

Mr. Polley. Yes; that has been a problem more in Pima County. The Pima County—we get into this. I don't know what you call it. It's not competition or rivalry, but a situation where there is a difference of opinion as to whether it is a State or Federal problem.

And Pima County, it's my understanding if any Federal agencies are involved in any extent, the Pima County attorney's office will not prosecute the offense. They feel it's a Federal problem. They don't have the resources; their judges won't take the cases; and it's just a problem.

I am not aware of that being a problem in the other three counties.

Senator DeConcini. Thank you. Mayor Varona, along the border where you live in the fine city of Nogales, do you find any improvement on the other side of the border with the Federal officials regarding the drug problem, or is it pretty much as it has been—depending on the individual authority over there, but not getting a whole lot of help?

Mr. Varona. Senator Abdnor and Senator DeConcini, my response to that would be to give an example I experienced 2 years ago.

I was going over to observe—we had a sewer problem from Mexico coming into our community. And at the border, as I was going over to observe this particular incident, I noticed that there was a big opening in the fence there at the border gate.

And I stood by it, and while I was standing by it, this van drove up and three gentlemen got down armed, each one with machine guns, and right down the street, a couple of blocks away at the bottom where the border patrol agents.

I have never experienced this particular incident in Nogales.

Senator DECONCINI. U.S. border patrol agents?

Mr. VARONA. U.S. border patrol agents.

What happened is as I look into this particular incident, these people with the machine guns were paying, were asking payment for illegal aliens to come across through that section. Not only were they asking for payment—if they did not receive the payment, they were physically taken care of.

At the same time, that became the locale for drug smuggling, as it was very hard, because I couldn't convince the Federal agencies: Why don't you go over to that particular area and take care of the problem instead of waiting two blocks down when these people have already gone down there, paid the money, came across, and they were picked up two blocks later.

The problem really wasn't taken care of. There is no relationship. We have to develop that relationship with the Federal agents on that side if we are going to solve the problem, and I would concur with you, Senator DeConcini, that relationship must be established.

But I would also concur with you that we need to take care of the problem of the corruption in their particular area of Government before we can do it.

Another example is last week my colleague on the opposite side in Mexico, Mayor Dabdoub, is making a concentrated effort to clean up his police department. He had his particular agents surround the home of his police chief, because of the corruption.

And until those problems are taken care of, Senator DeConcini, I don't see how we are going to correct the problem on our side.

Senator DECONCINI. When you say "We in the United States have to do something about that," do you have any suggestions? I know and respect Mayor Dabdoub immensely, and I am glad to hear he is interested in doing that.

What do we do besides pat him on the back and praise him when they do it?

Do we chastise them when they don't? What can we really do to get them to clean their act up?

Mr. VARONA. Good question, hard to answer. The biggest problem, and I don't want to sound redundant, but I need to allude to the financial problems of the country itself, because I think that in and of itself is a direct line. If they do not find some assistance, corruption will escalate. Not only will corruption escalate, Senator, but I want this panel to understand that, not only will corruption escalate, but the form of government has a great chance of also changing.

I think that's when our problems are going to occur. When that particular form of government, because the people know that their government can't take care of their financial problems, that inflation is going to increase more than 100 percent a year, the form of government is going to change, and then, Senators and Congressman, we are going to have a drastic problem.

Senator DeConcini. Mayor Randle, thank you for your testimony as comprehensive as it was, and making some good suggestions.

I agree with you. I think the border problems are Federal problems. The potential terrorist invasion, if you want to call it that, is a Federal problem. We are stuck in the Federal Government with a real budget crunch. We will do well if we can maintain the amount of personnel at Customs, INS, and the border patrol in the upcoming year's budget. At the same time, we are ill-prepared to fight terrorism, and I think that the communities here, as you have expressed, rightfully look to the Federal Government to do it. I don't see much hope of us doing much in that area.

Is there anything—I think I know the answer to this—but what would you do as the mayor? Who would you go to in the State? Would you go to the DPS or the county or who would you go to?

Mrs. Randle. I would go to the top.

Senator DeConcini. If you had a terrorist incident here in this community?

Mrs. Randle. I would call Governor Babbitt.

Senator DeConcini. You'd go to the Governor. You're so right in the fact that local law enforcement has little or no training and Federal law enforcement has little or no training against terrorism, so we are ill-prepared.

I have introduced legislation that is a modest few million dollars to create an antiterrorist academy and give some matching funds to States that will institute training on antiterrorim.

Do you think, as mayor, and I don't want to put you in a political spot here—it's not the intent of my question—but do you think the people of this community, county, or the State of Arizona are willing to pay more fees to the Government to prepare us for, God forbid, severe antiterrorist activities in our State and in our community?

Mrs. Randle. I would hope that they would, but it seems that most people, unless they are affected directly, that they are opposed to any increased funds, and I am sure you have found this to be true.

Senator DeConcini. I sure have.

Mrs. Randle. But I think, with education, and that's part of our problem here, that we will have to get out and educate the public, the people in Sierra Vista and the surrounding communities, so they will know exactly what the problem is, and I plan to do that here in Sierra Vista, and I have taken steps to do that. Until we accept the fact that, yes, we do have drug problems in our high schools, in our intermediate schools and in our primary schools and they accept the facts that, yes, we do have that problem and it affects their families, they will probably not be willing to spend more money on this project.

Senator DeConcini. You've got to make the case.

Mrs. Randle. Correct. And I think it falls in our laps to do that with some help from you, Senator.

Senator DeConcini. Thank you, Mayor Randle, very much.

Senator ABDNOR. Congressman English?

Mr. ENGLISH. Mayor Varona, I noticed whenever you were making your statement, you were pointing out that Congress should carry out a particular act. Congress needs to recognize this. I guess I'd like to come back and point out a little to you on the other side that Congress has provided, and it isn't being used.

We made the point yesterday that we've got two detection aircraft sitting up in Tucson that this committee and the sister committee on the House side, myself and all these gentlemen involved here, really fought for and were successful in providing over the objections of people within the Reagan administration.

We had, for instance, the Deputy Secretary of the Treasury up testifying that this is something that the Customs Service shouldn't even be doing. It ought to be over in the Department of Defense, but the Department of Defense had already said they couldn't do it. That didn't seem to have much impact on the Secretary. He didn't seem to be concerned about that. Now that we provided those aircraft and provided the funds to go out and actually hire the pilots to fly those planes, we've come to Tucson, and we found out those planes aren't being flown, at least one of them isn't, because they don't have any crew.

This was a concern we laid out to Customs several months ago—you better get moving; you better hire those people and get them trained.

This subcommittee provided the money. But they haven't been hired, still aren't being hired. We had a crew member at the end of December who went on leave and that other plane that we've got, it couldn't fly either, because one fellow went on leave.

Now, those are some of the frustrations we get a little bit from the congressional side. I think that most of the initiatives that have taken place in the war on drugs have been funded directly by the Congress and through this subcommittee, and many times, over the objections of the people in the administration.

I guess the question I would have to ask you is if you have suggestion to those of us in Congress as to how we can get the people in the administration to use the resources we provide them to carry out these missions.

Have you ever heard of such a thing?

Mr. VARONA. Senator Abdnor, Congressman English, no, I haven't.

Mr. ENGLISH. Do you think most people in this country understand the way it's getting run?

Mr. VARONA. No, Congressman, I don't understand, but I do understand that you have people who are accountable to you, and unless those people and those Cabinet people who the President has responsible for—if you don't hold those people accountable, and I'm sure you have people who are accountable to make sure that the wishes and intent of Congress are carried out, then those people should be replaced.

Mr. ENGLISH. I agree with you 100 percent. We have a little thing called separation of powers. You remember, you go back where you've got the executive branch, the legislative branch, and the judicial branch.

These folks are all over there in the executive branch. We are in the legislative branch. The Supreme Court says you can't go over there and tell the President how to run his business when he is in effect carrying out the laws, and that's what we are talking about. They're his folks that are not carrying out the laws. That's where the frustration comes in. It's his folks that didn't go out and hire those pilots. That is the reason that the other aircraft—we saw it today—it's not out detecting drug smugglers. It's sitting on the runway. That's frustrating, terribly frustrating.

Mr. VARONA. Senator Abdnor, Congressman English, you know, in my comments, I made the statement that we, probably, as a country probably need to prioritize what is important for us. I don't think we are going to accomplish anything, especially in this area if the three branches of Government in a circle keep pointing the finger that it's for each one of their own fault. I think that we ourselves need to get together and find out what is right for this country and carrying that out positively. That's the bottom line, Congressman.

When we come back and start saying that it's the executive or the judicial or the legislative, we have problems and problems like deficit spending. We need to get together and find out—let's do something that's right for this country and get together, but let's do it cost effectively.

Mr. ENGLISH. I would agree with you, Mayor Varona. Here's where I have my difficulty.

In Congress, this issue, particularly as far as drugs are concerned, has been a bipartisan issue. There has been overwhelming support. In fact, there has been once or twice where I thought Congress was going beyond the point that I thought good judgment would dictate. But anyhow last Thursday, here's what the President says: These twin evils—narcotics trafficking and terrorism—represent the most insidious and dangerous threats to the hemisphere today.

That's what the leader of the executive branch says.

This subcommittee and the U.S. Congress has provided the money. The money is in the bank. It's been appropriated. This subcommittee, the Senate did it, the House did it, the Congress did it. It's delivered, but then it hasn't been spent. Something is falling through the cracks someplace whenever you've got the leader of the executive branch, these folks' boss, who comes back and tells us this, and then his folks don't even think it's serious enough to go out and hire the people to get them on the airplanes to do the job and utilize the equipment that the taxpayers have already bought.

I don't think that's finger pointing. I think that's identifying exactly where the problem is. There's no finger pointing to that, because it's been delivered. It's been done, and I'll certainly be the first, and I've done it a time or two, to condemn the Congress when they don't do their part. But in this case and particularly with this subcommittee, they have done an outstanding job.

Mr. Polley, you were mentioning with regard to the prosecution and the levels—is there ever any variance; in other words, is there an attempt by the U.S. attorney, by the Department of Justice, if you would, to try to mix up the drug smugglers every now and then and be willing to take a case with a small amount of marijuana just to keep them off balance?

Mr. POLLEY. Yes; I did not mean to imply there was a set, inflexible, never-changing policy.

What I was addressing would be a usual or many times would be the policy. What you say does happen.

Mr. ENGLISH. OK. So it's not a case where the smuggler is certain that, whenever he comes into this country, he is acting within impunity if he gets caught by a Federal official, because he has 40 pounds of marijuana, he's safe and gets by the customs official or something of that sort?

Mr. POLLEY. It is not an absolute that it goes by the schedule to the extent—did you ever watch "Mash" where the 4 o'clock Charlie, he would fly over and drop his pound of flour or whatever it was at 4 o'clock every day, and to an extent, the enforcement policies are that way. They are predictable, they are laid out, they are written, and it does cause some ability for the people on the other side to anticipate and just circumvent, but there are changes which do occur, and there are shakeups of it, there are modifications of the policy, so it is not absolute all the time.

Mr. ENGLISH. Thank you very much. I appreciate it. That's encouraging to hear.

Senator ABDNOR. Thank you, Congressman. I want to say that everything the Congressman said about the Congress and this particular committee appropriating this money and signing the law is true, but what you said has a lot of truth too, mayor.

Before I got to Congress, they had the power of impoundment, and from what I could see, it was a favorite trick of Congress to appropriate large sums of money knowing the President couldn't spend it. He had to impound the funds.

The only part I disagree a little bit with the Congressman is that there are a lot of places we could make cuts and should make cuts but everybody comes down with their favorite programs they want. South Dakota was the first State in the Nation and we never had Amtrak. It's a very expensive, nice program, but when you put it in the priorities of one versus another, I would hardly put it up with law enforcement or with the drug problems we are confronted with. We do have a problem. The public generally thinks we are spending too much money with deficits at $200 billion a year and a $1 trillion deficit. We have the Gramm-Rudman-Hollings—I voted for it, and I guess most of the other Members did, recognizing that we are spending too much money, but certainly, the priorities are there. Maybe we've got to become better salesmen and browbeat the President and the administration and the Cabinet people, because it is necessary. We do think they were wrong by not putting the money we allocated into this program because this is destroying America from the inside just as much as the enemies from the outside. If defense is important, so is drug fighting. We know we have our challenge to face up to to facilitate joint cooperation in all branches of the Government. Do you think we are working together from the Federal, State, and local level on this, or do you think there's a lot of room for improvement?

Mr. VARONA. Is that for me, Senator?

Senator ABDNOR. Any one of you, quickly, we have to move on. I shouldn't have asked that.

Mr. VARONA. Briefly, Senator, I think that if you come down to Nogales, and I'm sure Senator DeConcini can fill you in on this, Nogales has, I think, every Federal agent in Nogales, AZ, and with that, I don't think—I think everybody is running into each other down in Nogales. We need to get together. We need to look at how we are going about it. Everybody is running into each other and nothing is being accomplished.

Senator ABDNOR. I appreciate that statement.

Mrs. RANDLE. May I comment?

Senator ABDNOR. Yes.

Mrs. RANDLE. Senator, I would like to say that I really, truly believe that we need more participation local with Federal. I don't believe we have enough of it. We definitely need a drug enforcement agency.

I am going to put my head on the line, I suppose, but we would be willing to house here at city hall that office. I am going to get killed from my city manager, but I mean this type of cooperation, I think, is necessary for us to have that type of office set up, and we are willing to do that—I mean, if that would help some, not much, but some.

Senator ABDNOR. Thank you. I appreciate that.

Mr. Polley, as an attorney, you work with all of the agencies—State, Federal, and local.

Do you find a spirit of cooperation there, or do you think there is a lot of room for improvement?

Mr. POLLEY. I think that it is basically good. I think there is a common goal and a common consideration.

I think the only impediment is policy that is made at the national level in Washington that impacts on the ability for the local people to cooperate as much as they want to.

Senator ABDNOR. Well, thank you all very much. We could take a lot more time, but we've got to move along.

We will take a recess, very briefly.

[A brief recess was taken.]

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE

STATEMENTS OF:

WILLIAM ROSENBLATT, ASSISTANT COMMISSIONER FOR ENFORCEMENT

ROBERT HOLLIDAY, OFFICE OF RESEARCH AND DEVELOPMENT

LT. COL. TIMOTHY O'TOOLE, DIRECTOR, MILITARY SUPPORT DIVISION, U.S. ARMY, DEPARTMENT OF DEFENSE

Senator ABDNOR. The subcommittee will come back to order.

Our next witness is Mr. William Rosenblatt, Assistant Commissioner of Customs for Enforcement, and Mr. Robert Holliday, with the U.S. Customs Office of Research and Development, and Lt. Col. Timothy O'Toole, who is Director of the Military Support Division of the Army. I am going to ask that the witnesses not present a formal statement. I believe this is something we are anxious to get into. I know Senator DeConcini is more responsible than anyone else for the aerostat radar system coming to Arizona, and I'm just going to turn it over to you, Senator DeConcini.

Senator DECONCINI. Mr. Chairman, thank you very much.

Mr. Rosenblatt, let me get into the aerostat problem because we ran out of time yesterday. Your boss, Commissioner von Raab, testified and left the distinct impression that he was lukewarm on locating an aerostat here at Fort Huachuca, even with the valuableness of it.

I believe his tentativeness was driven more by OMB's concern than his own concern about the impact.

I want to ask you some questions. It's not my purpose to have you contradict your boss whatsoever, and that's not what I'm going to ask you to do. What I would like to get is your perspective on the aerostat here at Fort Huachuca as a drug enforcement tool, and from your operational and tactical perspective, what are the intellectual capabilities for interdicting smuggling aircraft along the southwest border?

What will this aerostat do for your border surveillance operations in southern Arizona?

Mr. ROSENBLATT. With the aerostat as a test bed for possible future aerostats, if the performance in the op-evaluation works out and it improves the detection capability that we currently have, we would be most pleased to see this kind of outcome.

From a technical and tactical standpoint, an improvement in detection would greatly assist our Aviation Enforcement Program particularly the Aviations Operations Division. It would allow our interdiction crew to become much more efficient, Senator.

Senator DECONCINI. Do you have any indications of the effectiveness of that CARIBALL aerostat to this date?

Mr. ROSENBLATT. Yes; we do. We have had sufficient success to where we believe that the CARIBALL balloon is a valuable detection asset.

Senator DECONCINI. Is it under assessment or consideration in your shop of recommending through the process of necessary tools to do your job any additional aerostats at this time?

Mr. ROSENBLATT. Not at this time, Senator.

Senator DECONCINI. Colonel O'Toole, thank you for being with us. I have heard a lot of praise for the cooperation that the Army has given to Customs. I am one of those Members of Congress who feel that there is often not enough of that cooperation or, at least, it kind of filters or falls apart sometimes, and I commend the fort here, the Army and your involvement in responding to being a host and the receptiveness of having this aerostat here. Your people have been really very good, and this Nation should know that and it ought to be on the record.

Can you outline for us what steps have to be taken to prepare the site here at Fort Huachuca to build the aerostat facilities and make it operational, and what kind of plans do you have for that, assuming the contract is awarded?

What part is the Army going to play once the specs are made and the contracts awarded?

Colonel O'TOOLE. Thank you very much, Senator, on behalf of Mr. John Shannon, our Assistant Secretary, whom I am here representing today, thank you very much for the kind comments.

The Army, when we were offered the opportunity to become involved in this program, to see if there was a suitable piece of terrain in the Southwest, in Arizona in particular, that was in Army control that could be used for this as a test bed platform, we readily identified Fort Huachuca as an installation, and at that time, a lot of conversation, informal dialog, started taking place between the installation representatives here at Fort Huachuca and the U.S. Customs Service.

The installation has developed a milestone for their projected future of this program which will involve the Corps of Engineers district office out of Los Angeles to do some design work and the cooperation of the personnel here on Fort Huachuca to oversee and to make approvals for site drawings, flight approval, and those sorts of things.

The milestones, and I can ask Colonel Stonecipher, the facilities engineer for Fort Huachuca, to address those questions specifically as far as the milestones are concerned.

Senator DECONCINI. But do you anticipate any problem today, even though we're still in the very beginning stages of putting this out, that the fort would have in accommodating and moving very rapidly on the installation of this?

Colonel O'TOOLE. There are some upfront concerns that need to be addressed from the environmental standpoint on the adaptability of this type of an unknown platform within this particular environment and the impact that it may have on some areas.

Senator DECONCINI. Assuming that there are no environmental surprises, what would your answer be?

Colonel O'TOOLE. The milestone is set up to handle potential contract award and with the guidance of the installation personnel and the Corp of Engineers they would move out very rapidly with the construction of the ground deployment site.

Senator DECONCINI. Mr. Holliday, I have two questions for you: One, some concern has been expressed in the community of having an object the size of a 747 flying a few hundred feet above Sierra Vista hanging around up there. Isn't it going to be unsightly and what have you?

First of all, it's my understanding that, in normal operations, this would be flying somewhere about 10,000 feet above the fort. Can you give us any idea, in words to create a picture, of what that's going to look like at 10,000 feet?

Mr. HOLLIDAY. Certainly, sir. I believe that the device is actually flying about 10,000 feet above ground level. It would appear as though, if you were to stand directly underneath the aerostat itself, it would appear as though a 747 would appear to you at a 2-mile range. As I said, the easy way to fix that in your mind is to go down to an airport that has 747's and stand approximately 2 miles away and look at it. You would get a feeling for it.

Senator DECONCINI. When they are landing?

Mr. HOLLIDAY. Just sitting on the ground.

Senator DECONCINI. I see.

Mr. HOLLIDAY. Just to get an idea of the size. And I think that the aerostat will be considerably less than the length of a 747.

Senator DECONCINI. That's a good description.

Mr. HOLLIDAY. That would be if you were standing directly under the aerostat. Now, if you were standing away, say, 5 or 10 miles away on the ground, away from the point directly under the aerostat, the aerostat would appear as though a 747 would at its cruising altitude of 35,000 feet.

Now, I think the only way you can really tell a 747 at 35,000 feet is by either noise or the contrail or the vapor trails behind the aircraft at that altitude.

I think you would have a tremendous amount of difficulty actually seeing the aircraft at 35,000 feet, so my feeling is that, at that range, it would not be an obvious element, and remember, it does not have to be painted silver. It could be painted a color that would make it blend into the sky.

Senator DECONCINI. Thank you. Let me ask you another question.

You were asked this morning about the type of radar, and I know you're still in the studying stage of it, but the question was whether or not the radar might have the capacity to detect vehicles.

No. 1, am I correct in saying that there is such radar that could be attached to such a unit as this? Is that accurate?

Mr. HOLLIDAY. Yes, sir; my understanding is that radar will either be an air-to-air detection or an air-to-ground detection radar. It's two completely different types of problems, and the problems are described by the speed of the target that you're looking at.

If a radar is designed to look at high-speed targets, it will filter out lower speed targets.

The radars that we have now will not pick up very, very low speed targets. So if we had a target that was moving at 5 miles per hour, you would have a considerable amount of difficulty seeing it. However, if you did have a target moving across the desert at 30 to 40 miles an hour and it were, say, larger than a car, I think it would pick it up.

Senator DECONCINI. Now, there is radar that will pick up such slow-moving ground objects; is that right?

Mr. HOLLIDAY. Yes, sir; there is.

Senator DECONCINI. Is it compatible to have both types of radar, or would it be another consideration to have both types of radar on such a platform as this that could, in fact, pick up both because the ground traffic is substantial around this part of the country?

Mr. HOLLIDAY. To be honest with you, we are not considering it at this time. I think it would be very difficult electromagnetically to take two radars and hang them from the same aerostat, though I am not certain. It is something we will look into though.

Senator DECONCINI. You say you are not looking at it and you think that's a problem.

Can you satisfy us a little bit further than that—in fact, you have looked at it and have come to the conclusion that it's a problem or perhaps there is some technological way to give that consideration?

The concern I have, and I'm sure you do too, is that we get the most bang for the buck here, and if there's any way to hang it on there, it might serve a dual purpose.

Mr. HOLLIDAY. I think I can assure you without any qualms that I will look into it personally, and if it appears something that will work, we will definitely look into it.

Senator DECONCINI. Thank you, Mr. Chairman.

Senator ABDNOR. Congressman English?

Mr. ENGLISH. Thank you, Mr. Chairman. Mr. Holliday, I want to try to make certain that I'm visualizing what this thing is going to look like up above the desert. I've seen the one down in the Bahamas and what it looked like to me, if the Sun caught it just right, would be like a pinpoint. You could see a small flash of light. You might be able to see a satellite going over if, again, the Sun caught it about right it would be about the same type, as far as the size of the object, isn't that correct?

Mr. HOLLIDAY. Congressman, I have not seen the CARIBALL balloon myself, and you have me at a disadvantage here in that you have seen the device.

Mr. ENGLISH. It's hard to see unless the Sun catches it and reflects off of it directly, and that's even tough when you're up in the air, if you're any distance away, to spot it. You have to be looking for it; you have to know where to look in order to see it.

Mr. Rosenblatt, this is another proposal that I think is innovative in that it probably goes further than anything we've done in the past dealing with the issue of posse comitatus, the use of military assets in cooperation with civilian law enforcement agencies, and of course in this manner, the taxpayer actually gets, if you would, two bangs for the buck.

He gets dual use out of the tax money being used.

In the past, we have always had to be very careful about whether this was having an impact on combat readiness, whether any work that was being done for civilian law enforcement was, in fact, detracting from military training, using military funds if there was no military benefit, things of this sort. But, the military had on the drawing board a proposal for a special operations group to primarily work in wartime dealing with saboteurs, terrorists, and so forth coming into this country.

This was something that was already planned for. This so-called special operations force, in order to do this job, had to have much of the same equipment that is vital to detecting drug smugglers flying into this country, and the Congress, through its initiative, again with the objections of some within the administration, did proceed and fund this proposal. This subcommittee provided for the first aircraft, an AC-130, which would be outfitted not only with a look-down type radar, but also with a special electronics package that would allow for sophisticated intercept, communications, and so forth.

Could you give us some feeling as to how the Customs Service has used this particular type of aircraft, what type of impact you think it will make particularly when you consider we will likely have eight of them along the southern border with six P-3's?

Can you tell us what kind of an impact you think they will have on the war on drugs?

Mr. ROSENBLATT. It has the potential to increase our detection capability once again. It could also provide, with an on-board intelligence package, we would like to put in it, in coordination with the military, a command platform in the air for us.

Mr. ENGLISH. Does that mean then that we are going to be able to spot them? Does that increase our chances of actually catching them?

Mr. ROSENBLATT. For successful interdiction, the primary element is detection, and wherever we can increase our detection capability, we are for that.

The most economical detection platforms or capabilities is what we would support and go forward in implementing as part of our overall interdiction program.

Mr. ENGLISH. Given what we have had in the way of assets along the southern border from San Diego to Brownsville, TX, I note that this summer, the Navy E-2C planes doing some flights unannounced through this area, I believe, for 3 days, and along this border during that 3-day period, they came up with 14 targets.

Given the fact that you will be able to finally get the P-3's all manned; that we get crews for all those aircraft; and given the fact that you would have these new AC-130's that would be coming on line as well as four aerostats along the southern border, what kind of impact is this going to have as far as the apprehension of drug smugglers coming into our country?

How much of an increase are we likely to see in apprehension?

Mr. ROSENBLATT. To begin with, to answer the first part of your question, we would have an increase in detection capabilities that invariably, if successful, would lead to increased interdiction and apprehension of drug smugglers.

Mr. ENGLISH. Would it be an enormous increase?

Mr. ROSENBLATT. I think it would be substantial.

Mr. ENGLISH. You don't like the word enormous?

Let me put it to you this way, Mr. Rosenblatt: With the exception of this one P-3 that's up here at Tucson, we have been virtually blind from San Diego to Brownsville as far as detection capabilities.

Just in the last few months, we have found ourselves in a position where Customs officials were having to go up in the air with a pair of binoculars trying to spot somebody that looks suspicious, and that's been the extent of our detection capability.

And let me say that those officers, all very brave men and very dedicated men, to me were trying to do an impossible job for a Nation that was not providing the equipment necessary to carry that mission out.

It seems to me when you talk about that compared to what we are talking about here as far as detection capabilities, you're talking about an enormous change, enormous.

If we only had 14 smuggler aircraft in 3 days flying through this area, you would have chase planes up in the air constantly during that period if we had detection capability, isn't that true?

Mr. ROSENBLATT. Yes, Congressman.

Mr. ENGLISH. So what we're really saying, and I think it's important for people to understand—what we're really saying is, for the first time, we are finally getting up here to the level we are going to actually be able to carry out a war on drugs as far as this Nation is concerned. We are finally going to have the capability to do the job, to do the detection, and certainly we will have the assets to make the intercept and make the arrest, and that's the key that people have got to understand. There's a lot of frustration, I know there is in my district, people saying: Drugs are kind of like booze back in Prohibition. You know, we had booze. It came in. Everybody winked, and you know—it's not like booze. It's a far different situation. Drugs are—there is no comparison—but as far as having a potential on the huge amount of drugs moving into this country, particularly across the southern border, we can definitely have an impact and have a major impact.

It was pointed out to me here by counsel too, in comparison to what we've been doing—I mentioned 14 suspects in one 3-day period.

During the last 50-day period, Customs only had one hit, so we had 14 targets in 3 days, but as far as what we were actually able to make arrests and apprehensions along the same area on, we only had one hit in the 50 days. I think it certainly points out the impact.

I thank you very much, Mr. Chairman.

Senator DECONCINI. Thank you, Congressman English, do you have any further questions of any of the witnesses?

Thank you, gentlemen.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigations

STATEMENT OF FLOYD I. CLARKE, ASSISTANT DIRECTOR, CRIMINAL INVESTIGATIVE DIVISION

PREPARED STATEMENT

Senator DECONCINI. We will now proceed with Mr. Floyd Clarke, Assistant Director in charge of criminal investigations of the Federal Bureau of Investigation.

Mr. Clarke, because of the time, would you submit your full statement, which will be printed in the record. I do have a number of questions for this witness. If you would like to make any preliminary opening statement, we ask that you be brief so that we can go to the questions.

Mr. CLARKE. What I would like to do, with your permission, is summarize the high points of the statement and then submit it for the record.

Senator DECONCINI. That's fine.

[The statement follows:]

Statement of Floyd I. Clarke

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO APPEAR BEFORE YOU TO DISCUSS THE ISSUE OF TERRORISM IN THE UNITED STATES AND THE ROLE OF THE FBI IN COMBATING IT.

SINCE THE MURDER OF THE ISRAELI ATHLETES BY ARAB TERRORISTS AT THE 1972 SUMMER OLYMPICS IN MUNICH, GERMANY, TERRORISM HAS BECOME ONE OF THE MOST SERIOUS PROBLEMS FACING THE INTERNATIONAL COMMUNITY OF NATIONS. IT EXISTS AS A VIOLENT AND UNLAWFUL FORM OF DISSENT IN CONTRADICTION TO ALL RULES OF CIVILIZED SOCIETY. ITS ONE COMMON DENOMINATOR IS THE USE OF VIOLENCE.

UNITED STATES DEPARTMENT OF STATE FIGURES SHOW THAT SINCE 1968, 40 PERCENT OF THE TERRORIST INCIDENTS WORLDWIDE HAVE BEEN ATTACKS ON UNITED STATES CITIZENS, DIPLOMATS, MILITARY PERSONNEL, AND PUBLIC INSTITUTIONS. MORE OMINOUS STILL IS THE FACT THAT, WORLDWIDE, TERRORIST INCIDENTS HAVE DOUBLED IN THE PAST TWO YEARS. THE TWO MOST RECENT EXAMPLES ARE THE NOVEMBER 1985 HIJACKING OF THE EGYPTIAN AIRLINER TO MALTA, AND THE DECEMBER 1985 TERRORIST ATTACKS IN THE ROME AND VIENNA AIRPORTS.

THE GENERAL STATUTORY AUTHORITY FOR FBI INVESTIGATIONS IS DRAWN FROM TITLE 28 UNITED STATES CODE, SECTION 533, WHICH PROVIDES THAT THE ATTORNEY GENERAL MAY APPOINT OFFICIALS TO DETECT AND PROSECUTE CRIMES AGAINST THE UNITED STATES. THE ATTORNEY GENERAL DELEGATED THIS AUTHORITY TO THE FBI IN THE CODE OF FEDERAL REGULATIONS, TITLE 28, SECTION 0.85 IN 1976, THIS AUTHORITY IN TERRORISM WAS REAFFIRMED AND FORMALIZED BY THE ISSUANCE OF THE ATTORNEY GENERAL'S GUIDELINES FOR DOMESTIC SECURITY/TERRORISM INVESTIGATIONS AND FOREIGN COUNTERINTELLIGENCE/INTERNATIONAL TERRORISM INVESTIGATIONS. ADDITIONALLY, THE FBI HAS BEEN ASSIGNED THE OVERALL RESPONSIBILITY FOR COMBATING TERRORISM WITHIN THE UNITED STATES in a June 1979 National Security Council Document prepared by the Executive Committee on Terrorism.

The FBI's terrorism investigations are based on a very fundamental responsibility of government - the duty to protect the citizenry from those who would destroy our political system through criminal violence.

We define terrorism as the unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives and categorize it as either domestic or international on the basis of the origin of the group. If a terrorist group is one that originates within the United States and has no foreign funding, direction, or influence, it is domestic. If, on the other hand, the group originates outside the United States, is funded or directed from outside the United States, or the group's activities transcend national boundaries, it is international.

Our international terrorism cases are investigated under the Attorney General's Foreign Counterintelligence Guidelines and the provisions of the Foreign Intelligence Surveillance Act. Although the exact number of these investigations is classified, they far outnumber the cases involving domestic terrorist groups.

Our domestic terrorism investigations are conducted with the view that the unlawful activities of terrorist groups are essentially criminal enterprises. Like other investigations of criminal enterprises, notably in the organized crime field, these investigations not only focus on those who committed specific criminal acts, but also on how those individuals relate to others similarly motivated, how they are financed and

SUPPORTED LOGISTICALLY, AND WHO THEIR LEADERS ARE. AS IN OTHER CRIMINAL CASES, WE GATHER INTELLIGENCE AND EVIDENCE FOR PROSECUTION. THIS APPROACH ALLOWS US TO BRING OUR FORCES TO BEAR ON THE TOTAL TERRORIST NETWORK RATHER THAN ON INDIVIDUAL CRIMINAL ACTS ONLY.

THESE INVESTIGATIONS ARE CONDUCTED UNDER THE ATTORNEY GENERAL GUIDELINES FOR DOMESTIC SECURITY/TERRORISM INVESTIGATIONS. IN 1976, THEN ATTORNEY GENERAL LEVI PUBLISHED A SET OF GUIDELINES, POPULARLY KNOWN AS THE "LEVI GUIDELINES", THAT SET THE PARAMETERS FOR THE FBI'S INVESTIGATION OF DOMESTIC SECURITY. THESE GUIDELINES WERE IN EFFECT UNTIL APRIL 1983, WHEN ATTORNEY GENERAL WILLIAM FRENCH SMITH ISSUED A REVISED SET OF GUIDELINES FOR THESE INVESTIGATIONS. UNDER THESE GUIDELINES, WE NOW OPEN DOMESTIC SECURITY/TERRORISM CASES WHEN FACTS OR CIRCUMSTANCES INDICATE THAT TWO OR MORE PERSONS ARE ENGAGED IN AN ENTERPRISE FOR THE PURPOSE OF FURTHERING POLITICAL OR SOCIAL GOALS WHOLLY OR IN PART THROUGH ACTIVITIES THAT INVOLVE FORCE OR VIOLENCE IN VIOLATION OF THE LAW.

UNTIL OCTOBER 1982, THE FBI HAD THREE NATIONAL PRIORITY PROGRAMS - ORGANIZED CRIME, WHITE-COLLAR CRIME, AND FOREIGN COUNTERINTELLIGENCE. IN OCTOBER 1982, DIRECTOR WILLIAM H. WEBSTER ELEVATED THE TERRORISM PROGRAM TO THIS TOP PRIORITY STATUS. THE DIRECTOR'S INTENTION WAS TO ENSURE THAT THE FBI WAS DOING EVERYTHING POSSIBLE TO CARRY OUT ITS RESPONSIBILITY AS THE LEAD FEDERAL AGENCY IN THE FIGHT AGAINST TERRORISM IN THE UNITED STATES. AS THE LEAD FEDERAL AGENCY, THE FBI HAS A TWO-FOLD MISSION IN COMBATING TERRORISM. THE FIRST IS PREVENTIVE, AND THE SECOND REACTIVE. THE PREVENTIVE PHASE CONCERNS OUR EFFORTS TO BE FOREWARNED THAT A TERRORIST ACT IS GOING TO TAKE PLACE AND THEN PREVENTING IT FROM HAPPENING. THIS IS OBVIOUSLY THE MOST DESIRABLE GOAL TO ACHIEVE AND REQUIRES THE LEGAL COLLECTION AND ANALYSIS OF LARGE AMOUNTS OF INTELLIGENCE ON A CONTINUING BASIS.

These efforts have led to the prosecution of group members, expulsions of foreign nationals, and other legal actions to negate terrorist activities. The reactive phase involves the response to and investigation of criminal acts committed by terrorist groups.

In recent years, the ability of the FBI to prevent terrorist acts has increased significantly. In 1982 the FBI recorded three preventions, in 1983 six, in 1984 nine, and in 1985 twenty-three. These twenty-three preventions resulted from innovative and intensive investigation of both domestic and international groups and demonstrate that getting there before the bomb detonates has become a realizable objective. In May 1985, the search of a Baltimore, Maryland safehouse occupied by members of a domestic terrorist group known as the May 19th Communist Organization uncovered evidence of potential bombing targets, including sketches and surveillance notes of the United States Naval Academy as well as a sheet of paper showing offices and other information on security at the Executive Office Building. Also, in May 1985, an FBI undercover operation successfully compromised a Sikh terrorist plot to assassinate Indian Prime Minister Rajiv Ghandi during his visit to the United States in June 1985. That investigation led to the arrest of five Sikh terrorists, four of whom were taken into custody by the New Orleans police.

By utilizing all of the investigative tools legally available - including informants, electronic surveillance, and undercover agents - the FBI has also achieved demonstrable success in reducing the number of terrorist incidents in the United States in recent years. In 1977, there were 112 incidents of terrorism in the United States. By 1982, the number had fallen to 51. In 1983, there were only 31 terrorist actions; and in 1984, with the Worlds Fair, the Olympics, and two National

Conventions, there were only 13 terrorist incidents. In 1985, I am happy to report there were only 7 terrorist incidents in the United States and for the second straight year, there were no terrorist incidents in the United States directly attributable to international terrorist groups. Further, major successes have been achieved against almost every terrorist group which has been active in the United States in the past two years. These figures clearly reflect a steadily increasing capability on the part of the FBI to successfully counter terrorism in the United States.

The cooperation of the law enforcement community is vital for the successful prevention and investigation of terrorist activities. Terrorism cases often involve the jurisdictions of state, local, national, and foreign agencies. To prevent duplication of investigative efforts, and to promote effectiveness and efficiency, cooperation must replace competition that might otherwise exist among law enforcement personnel. The most notable example of this cooperation has been between the FBI and the New York City police department who, by combining resources, have been better able to utilize valuable personnel and technical equipment to achieve major successes.

This task force was formed in 1981 after a Brink's Armored Car was robbed of $1.6 million in Nanuet, New York. Two police officers and a security guard were killed during this robbery. Cooperation among the New York City police department, the New York State Police, the New Jersey State Police, the Rockland County district attorney's office, the Nyack Police Department, and the FBI helped to identify a previously unknown community of terrorists. This terrorist network consisted of various left-wing groups - including several left-over radicals from the 1960s - who financed their operations by committing crimes throughout the United States. This investigation provided invaluable information about how terrorist groups operate in the

UNITED STATES AND, AS THE SCOPE OF THE INVESTIGATION WIDENED, THE TASK FORCE CONCEPT WAS EXPANDED TO FBI FIELD OFFICES THROUGHOUT THE UNITED STATES.

TERRORISM TASK FORCES ON THE EAST COAST HAVE BEEN VITAL TO THE INVESTIGATION OF SEVERAL DOMESTIC TERRORIST GROUPS INCLUDING THE UNITED FREEDOM FRONT (UFF), THE ARMED RESISTANCE UNIT (ARU), AND THE MAY 19TH COMMUNIST ORGANIZATION (M19CO). THESE GROUPS HAVE BEEN CHARGED WITH A SERIES OF ROBBERIES AND BOMBINGS. IN THE UFF CASE, A VALUABLE LEAD WAS DEVELOPED BY A STATE TROOPER ASSIGNED TO THE CONNECTICUT TASK FORCE THAT LED TO THE ARRESTS OF SOME OF THE PRINCIPAL PLAYERS INCLUDING RAYMOND LUC LEVASSEUR, WHO AT THAT TIME HAD BEEN ON THE FBI'S TEN MOST WANTED LIST SINCE 1977.

AT THE PRESENT TIME, THE ONLY DOMESTIC GROUP KNOWN TO THE FBI THAT POSES A SIGNIFICANT THREAT TO THE SOUTHWESTERN UNITED STATES IS THE ARIZONA PATRIOTS (AP). THE ARIZONA PATRIOTS, (COMMITTEE OF THE STATE OF ARIZONA,) IS AN ANTI-TAX, PARAMILITARY ORGANIZATION HEADQUARTERED IN PRESCOTT, ARIZONA. THE GROUP SEEKS A VIOLENT OVERTHROW OF THE CURRENT STATE GOVERNMENT OF ARIZONA AND THE REPLACEMENT OF OFFICIALS WITH ITS OWN PATRIOT MEMBERS. AT ONE POINT IN 1984, MEMBERS OF THE ARIZONA STATE EXECUTIVE, JUDICIAL AND LEGISLATIVE BRANCHES WERE GIVEN 30 DAYS IN WHICH TO RESIGN. THE AP IS BELIEVED TO MAINTAIN ACTIVE CELLS IN SEVERAL CITIES AND SMALL COMMUNITIES IN ARIZONA.

ALTHOUGH NO KNOWN ACTS OF TERRORISM HAVE AS OF YET BEEN COMMITTED BY THIS GROUP, THERE HAVE BEEN INDICATIONS OF PREPARATIONS FOR SUCH AND OTHER CRIMINAL ACTIVITY. BECAUSE THE GROUP IS CURRENTLY UNDER INVESTIGATION BY THIS BUREAU, NO FURTHER INFORMATION CAN BE FURNISHED.

The FBI has attempted to deal with the terrorist threat primarily in a law enforcement context by focusing our attention on the criminal nature of the terrorist activities as opposed to political or social motives. While this approach has been successful in recent years, we recognize that when terrorists operate across national borders, the challenge is more formidable. For this reason, it is extremely important that a spirit of international cooperation guide the professional law enforcement relationships between such countries as Mexico and the United States. That this spirit exists today was recently evidenced by the deportation to the United States of a member of a particularly dangerous Puerto Rican terrorist group known as the EPB-Macheteros. This individual who was residing in Mexico was being sought by the FBI for her involvement in 7.2 million dollar robbery. For their quick and decisive action in this matter, we owe a special debt of gratitude to the Mexican Federal Judicial Police and the Mexican Immigration Service.

While at this time the FBI does not perceive that a major problem of transnational terrorism exists along the United States Mexican border, it is certainly in both countries' interests to insure that such a problem never develops. So long as terrorists operating in one country remain convinced they will not be able to find sanctuary in the other, we will be dealing with the terrorist threat from a position of strength. We look forward to a continuation of our mutually supportive working relationships with the Mexican authorities in this area of grave concern.

The FBI regularly participates in and contributes to both national and international forums on terrorism, sponsored by friendly foreign countries and Federal and state agencies. The international forums include but are not limited to, the Club of Berne, the Trevi group, Interpol assemblies and the Quantico

WORKING GROUP, ALL OF WHICH STRIVE TO DEVELOP CLOSER RELATIONS IN COUNTER-TERRORISM COOPERATION. RELATIVE TO THIS ATTEMPT TO DEVELOP CLOSER RELATIONS WITH FOREIGN GOVERNMENTS, FBI TERRORISM PROGRAM OFFICIALS MET WITH AND BRIEFED NO FEWER THAN 30 FOREIGN DELEGATIONS DURING 1985 AT FBI HEADQUARTERS. ALSO UNDER THE AEGIS OF THE ANTI-TERRORISM ASSISTANCE ACT ADMINISTERED BY THE UNITED STATES DEPARTMENT OF STATE, THE FBI PROVIDES BRIEFING AND INFORMATION EXCHANGES TO THE EXTENT POSSIBLE WITH VARIOUS FRIENDLY GOVERNMENTS. IN ADDITION TO THE ABOVE, THE BUREAU ALSO PARTICIPATES AT BOTH A HEADQUARTERS AND FIELD EXECUTIVE LEVEL IN PUBLIC FORUMS AND PANELS SPONSORED BY PRIVATE ENTERPRISE, THE ACADEMIC COMMUNITY, AND CIVIC ORGANIZATIONS.

THE FBI CONDUCTS COUNTER-TERRORISM TRAINING FOR STATE AND LOCAL LAW ENFORCEMENT OFFICERS IN BOTH FORENSIC AND INVESTIGATIVE AREAS IN CONJUNCTION WITH THE FBI NATIONAL ACADEMY AT QUANTICO, VIRGINIA AND AT PERIODIC BUREAU IN-SERVICE TRAINING SESSIONS IN WHICH THESE OFFICERS PARTICIPATE WITH BUREAU AGENTS.

IN ADDITION TO FORENSIC, INVESTIGATIVE, TRAINING, AND TECHNICAL RESOURCES OF THE FBI, THERE ARE CURRENTLY AVAILABLE A NUMBER OF OTHER CAREFULLY TAILORED FBI ELEMENTS WHICH ARE VITAL TO THE COUNTER-TERRORISM EFFORT. THESE INCLUDE THE 50 MEMBER HOSTAGE RESCUE TEAM, TRAINED HOSTAGE NEGOTIATORS IN EACH FIELD DIVISION, THE SPECIAL OPERATIONS AND RESEARCH UNIT, THE BOMB DATA UNIT WHICH IS RESPONSIBLE FOR TRAINING OF FBI, STATE AND LOCAL FIELD BOMB INVESTIGATORS AND THE TERRORIST RESEARCH AND ANALYTICAL CENTER.

FINALLY, WITH REGARD TO ALLEGED LINKAGES BETWEEN LATIN AMERICAN NARCOTICS TRAFFICKERS AND TERRORIST ORGANIZATIONS IN THE UNITED STATES, THE EXPERIENCE OF THE FBI HAS BEEN THAT COOPERATION BETWEEN TERRORIST ORGANIZATIONS AND NARCOTICS TRAFFICKERS IS COMMON IN DRUG SOURCE COUNTRIES, PARTICULARLY

COLOMBIA; HOWEVER, THERE IS CURRENTLY NO EVIDENCE TO SUPPORT ALLEGATIONS THAT COOPERATION BETWEEN THE GROUPS IS TAKING PLACE IN THE UNITED STATES.

IN THE UNITED STATES, THERE APPEARS TO BE A FUNDAMENTAL DIFFERENCE BETWEEN VIOLENT ACTS COMMITTED BY NARCOTICS TRAFFICKERS AND THOSE COMMITTED BY TERRORIST ORGANIZATIONS. MOST NARCOTICS TRAFFICKING NETWORKS USE VIOLENCE TO PROTECT THEIR AREAS OF CRIMINAL INTEREST INDEPENDENT OF CONCERNS OF ANY TERRORIST ORGANIZATIONS. TERRORIST GROUPS, HOWEVER, USE VIOLENCE AS A CALCULATED TOOL DESIGNED TO OBTAIN POLITICAL OR IDEOLOGICAL GOALS. UNITED STATES-BASED TERRORIST GROUPS APPARENTLY CONTINUE TO RAISE MONEY TO FINANCE THEIR OPERATIONS THROUGH ARMED ROBBERIES AND EXTORTION RATHER THAN TRAFFICKING IN NARCOTICS.

ALTHOUGH LINKAGES BETWEEN NARCOTICS TRAFFICKERS AND UNITED STATES-BASED TERRORIST GROUPS DO NOT APPEAR TO EXIST, IT IS POSSIBLE THAT COOPERATION COULD TAKE PLACE IN THE FUTURE. THIS POSSIBILITY IS BASED ON THE OBSERVATION THAT NARCOTICS TRAFFICKING COULD PROVIDE TERRORIST ORGANIZATIONS, WHICH ALREADY HAVE ESTABLISHED ORGANIZATIONAL INFRASTRUCTURES AND CRIMINAL CONTACTS, THE ABILITY TO RAISE LARGE AMOUNTS OF CASH IN A RELATIVELY SHORT TIME.

THAT ENDS MY PREPARED STATEMENT, AND I WOULD BE HAPPY TO ENTERTAIN ANY QUESTIONS FROM THE COMMITTEE AT THIS POINT.

BUDGET REQUEST

Mr. CLARKE. Since the murder of the Israeli athletes by Arab terrorists at the 1972 Summer Olympics in Munich, Germany, terrorism has become one of the most serious problems facing the international community of nations. It exists as a violent and unlawful form of dissent in contradiction to all rules of civilized society. Its one common denominator is the use of violence.

U.S. Department of State figures show that since 1968, 40 percent of the terrorist incidents worldwide have been attacks on U.S. citizens, diplomats, military personnel, and public institutions. More ominous still is the fact that, worldwide, terrorist incidents have doubled in the past 2 years. The two most recent examples are the November 1985 hijacking of the Egyptian airliner to Malta, and the December 1985 terrorist attacks in the Rome and Vienna airports.

The general statutory authority for FBI investigations is drawn from title 28 United States Code, section 533, which provides that the Attorney General may appoint officials to detect and prosecute crimes against the United States. The Attorney General delegated this authority to the FBI in the Code of Federal Regulations, title 28, section 0.85. In 1976, this authority in terrorism was reaffirmed and formalized by the issuance of the Attorney General's "Guidelines for Domestic Security/Terrorism Investigations and Foreign Counterintelligence/International Terrorism Investigations." Additionally, the FBI has been assigned the overall responsibility for combating terrorism within the United States in a June 1979 National Security Council document prepared by the Executive Committee on Terrorism.

The FBI's terrorism investigations are based on a very fundamental responsibility of Government—the duty to protect the citizenry from those who would destroy our political system through criminal violence.

Until October 1982, the FBI had three national priority programs—organized crime, white-collar crime, and foreign counterintelligence. In October 1982, Director William H. Webster elevated the Terrorism Program to this top priority status. The Director's intention was to ensure that the FBI was doing everything possible to carry out its responsibilities as the lead Federal agency in the fight against terrorism in the United States. As the lead Federal agency, the FBI has a twofold mission in combating terrorism. The first is preventive, and the second is reactive. The preventive phase concerns our efforts to be forewarned that a terrorist act is going to take place and then preventing it from happening. This is obviously the most desirable goal to achieve and requires the legal collection and analysis of large amounts of intelligence on a continuing basis. These efforts have led to the prosecution of group members, expulsions of foreign nationals, and other legal actions to negate terrorist activities. The reactive phase involves the response to and investigation of criminal acts committed by terrorist groups.

In recent years, the ability of the FBI to prevent terrorist acts has increased significantly. In 1982 the FBI recorded 3 preventions, in 1983, 6; in 1984, 9; and in 1985, 23. These 23 preventions resulted from innovative and intensive investigation of both domestic and international groups and demonstrate that getting there before the bomb detonates has become a realizable objective. In May 1985, the search of a Baltimore, MD, safehouse occupied by members of a domestic terrorist group known as the May 19 Communist Organization uncovered evidence of potential bombing targets, including sketches and surveillance notes of the U.S. Naval Academy as well as a sheet of paper showing offices and other information on security at the Executive Office Building. Also, in May 1985, an FBI undercover operation successfully compromised a Sikh terrorist plot to assassinate Indian Prime Minister Rajiv Ghandi during his visit to the United States in June 1985. That investigation led to the arrest of five Sikh terrorists, four of whom were taken into custody by the New Orleans Police Department.

By utilizing all of the investigative tools legally available—informants, electronic surveillance, and undercover agents—the FBI has also achieved demonstrable success in reducing the number of terrorist incidents in the United States in recent years. In 1977, there were 112 incidents of terrorism in the United States. By 1982, the number had fallen to 51. In 1983, there were only 31 terrorist actions; and in 1984, with the world's fair, the Olympics, and 2 national conventions, there were only 13 terrorist incidents in the United States.

Senator DeConcini. Excuse me, Mr. Clarke, is 1 of those 13 the explosion at the U.S. Senate hall? Is that considered one of them?

Mr. Clarke. Yes, sir.

Senator DeConcini. Thank you.

Mr. Clarke. In 1985, I am happy to report there were only seven terrorist incidents in the United States and for the second straight year, there were no terrorist incidents in the United States directly attributable to international terrorist groups. Further, major successes have been achieved against almost every terrorist group which has been active in the United States in the past 2 years. These figures clearly reflect a steadily increasing capability on the part of the FBI to successfully counter terrorism in the United States.

The cooperation of the law enforcement community is vital for the successful prevention and investigation of terrorist activities.

Senator DeConcini. Mr. Clarke, can you summarize?

Mr. Clarke. Yes, sir; I have a couple of paragraphs and I'll be moving right along.

Senator DeConcini. Thank you.

Mr. Clarke. I appreciate your understanding.

Senator DeConcini. It's good testimony, and it will all be in the record, I assure you. It is good testimony. Go ahead.

Mr. Clarke. Thank you. As I mentioned, the law enforcement community is vital if we are going to be successful in the investigation of terrorist activity. Terrorism cases often involve the jurisdictions of State, local, national, and foreign agencies. To prevent duplication of investigative efforts, and to promote effectiveness and efficiency, cooperation must replace competition that might otherwise exist among law enforcement personnel. The most notable example of this cooperation has been between the FBI and the New York City Police Department who, by combining resources, have been better able to utilize valuable personnel and technical equipment to achieve major successes.

We have many other task forces with local departments that have developed and are currently opertional since then. My prepared remarks also set forth the success of the New York task force in a major armored car robbery and results of other terrorism task forces.

At the present time, the only domestic group known to the FBI that poses a significant threat to the southwestern United States is the Arizona Patriots. The Arizona Patriots—committee of the State of Arizona—is an antitax, paramilitary organization headquartered in Prescott, AZ. The group seeks a violent overthrow of the current State government of Arizona and the replacement of officials with its own Patriot members. At one point in 1984, members of the Arizona State executive, judicial, and legislative branches were given 30 days in which to resign. The Arizona Patriots is believed to maintain active cells in several cities and small communities in Arizona.

Although no known acts of terrorism have as of yet been committed by this group, there have been indications of preparations for such and other criminal activity. Because the group is currently under investigation by this bureau, I am unable to furnish you any further information about that group.

While at this time the FBI does not perceive that a major problem of transnational terrorism exists along the United States-Mexican border, it is certainly in both countries' interests to ensure that such a problem never develops. So long as terrorists operating in one country remain convinced they will not be able to find sanctuary in the other, we will be dealing with this terrorist threat from a position of strength. We look forward to a continuation of our mutually supportive working relationships with the Mexican authorities in this area of grave concern.

Also in my prepared statement, there are details of assistance that we received from the Mexican authorities in an important Puerto Rican terrorist case.

The FBI regularly participates in and contributes to both national and international forums on terrorism, sponsored by friendly foreign countries and Federal and State agencies. The international forums include but are not limited to, the Club of Berne, the Trevi Group, Interpol assemblies and the Quantico Working Group, all of which strive to develop closer relations in counterterrorism cooperation. Relative to this attempt to develop closer relations with foreign governments, FBI terrorism program officials met and briefed no fewer than 30 foreign delegations during 1985 at FBI headquarters. Also under the aegis of the Antiterrorism Assistance Act administered by the U.S. Department of State, the FBI provides briefing and information exchanges to the extent possible with various friendly governments. In addition to the above, the Bureau also participates at both a headquarters and field executive level in public forums and panels sponsored by private enterprise, the academic community, and civic organizations.

The FBI conducts counterterrorism training for State and local law enforcement officers in both forensic and investigative areas in conjunction with the FBI National Academy at Quantico, VA, and at periodic Bureau in-service training sessions in which these officers participate with Bureau agents.

In addition to forensic, investigative, training, and technical resources of the FBI, there are currently available a number of other carefully tailored FBI elements which are vital to the counterterrorism effort. These include the 50-member hostage rescue team, trained hostage negotiators in each field division, the special operations and research unit, the bomb data unit which is responsible for training of FBI, State and local field bomb investigators, and the Terrorist Research and Analytical Center.

Finally, with regard to alleged linkages between Latin American narcotics traffickers and terrorist organizations in the United States, the experience of the FBI has been that cooperation between terrorist organizations and narcotics traffickers is common in drug source countries, particularly Columbia; however, there is currently no evidence to support allegations that cooperation between the groups is taking place in the United States

In the United States, there appears to be a fundamental difference between violent acts committed by narcotics traffickers and those committed by terrorist organizations. Most narcotics trafficking networks use violence to protect their areas of criminal interest independent of concerns of any terrorist organizations. Terrorist groups, however, use violence as a calculated tool designed to obtain political or ideological goals. U.S.-based terrorist groups apparently continue to raise money to finance their operations through armed robberies and extortion rather than trafficking in narcotics.

Although linkages between narcotics traffickers and U.S.-based terrorist groups do not appear to exist, it is possible that cooperation could take place in the future. This possibility is based on the observation that narcotics trafficking could provide terrorist organizations, which already have established organizational infrastructures and criminal contacts, the ability to raise large amounts of cash in a relatively short period of time.

I appreciate your indulgence while I went through part of that, but I felt that it was important in view of some of the other testimony.

Senator DECONCINI. Good statement, Mr. Clarke, and I appreciate your summarization of it.

Mr. Clarke, in a letter to Chairman Roth of the Senate Government Affairs Committee last fall, the acting Assistant Attorney General, Phillip Brady, expressed the Justice Department's opposition to Senate 1499, the Antiterrorism Training and Enforcement Act, a bill I introduced on July 25.

I read it very carefully and tried to be as objective as I could, and my observation was that about three and one-half pages were really devoted to turf rather than stating whether the legislation will help the FBI and the President fight terrorism.

Since this is the first chance I have had to discuss the bill with the FBI, let me run through the bill's key provisions and get your reaction:

The bill makes antiterrorist training mandatory for all Federal law enforcement officials in order to supplement, not replace, the FBI's primary counterterrorist mission. Do you have any problem with such legislation that would provide that for all Federal law enforcement officials?

Mr. CLARKE. I think the problem, Senator DeConcini, is that we talk about antiterrorism training without further defining our terms.

As I mentioned in my statement, there are two principal keys here. One is that, dealing with terrorism within the United States, be it domestic or international, the FBI has been charged with the lead role in coordinating not only a reaction to terrorism by investigating it, but also, the preventive aspects of it in an analytical, intelligence-gathering capability.

The cooperation of all law enforcement entities is absolutely essential, but the cooperation, without coordination and without direction maybe somewhat troublesome.

Senator DECONCINI. This bill creates a coordinating council headed by the Attorney General, and my statement to you is simply this: Antiterrorist training should be mandatory for all Federal law enforcement officials. I'm not saying who's going to control it. As a matter of fact, the bill says the Attorney General.

Mr. CLARKE. Well, the Attorney General——

Senator DECONCINI. Wait just a minute. And it doesn't supplant or replace the FBI.

What I want to know is does the FBI oppose that? Because if they do, I want to try to convince Mr. Webster, you, and others that mandatory antiterrorist training might be a good thing for all Federal law enforcement officers—so yes or no—do you oppose mandatory antiterrorist training for all Federal law enforcement officials?

Mr. CLARKE. As much as I would like to, Senator, I can't give you a yes or no answer for that kind of a question, and the definition here of antiterrorism is, I think, essential.

All Federal law enforcement agencies have some area of responsibility dealing with certain criminal statutes, that may be violated by certain terrorist groups, and we certainly endorse an increased efficiency and awareness and training of all Federal agencies in their area of responsibility. Yes; we endorse training and enhancing our capabilities within an assigned area of jurisdictional responsibility.

Senator DECONCINI. Do you endorse training that deals within the jurisdictional areas of all Federal law enforcement agencies and do you think that training within that area—that is antiterrorist training—should be available?

Mr. CLARKE. I think that each agency needs to have adequate training in its assigned areas of responsibility, yes, sir.

Senator DECONCINI. That's exactly what our bill does, I believe, Mr. Clarke.

The bill establishes an antiterrorist training academy at the Federal Law Enforcement Training Center in Glynco, GA, and some in Marana, AZ, to train all Federal law enforcement agencies except the FBI and DEA, who are trained at the FBI academy.

What is wrong with that, especially since the FBI told us last summer that they didn't need or want to train any other agencies in their FBI academy?

Mr. CLARKE. I am at a disadvantage as far as your reference to the FBI telling you that we did not want to train any other Federal or local agencies, because we do engage to some extent——

Senator DECONCINI. They told us you did not have the capacity to take on the training of Federal law enforcement agents in antiterrorism other than your own and the DEA and what you do do to supplement the States that send people there.

Mr. CLARKE. As I mentioned in the statement, we are currently engaged extensively in training, an in the exchange of information with not only local law enforcement but other Federal and foreign law enforcement agencies. We are doing that now, and we would like to continue to do that.

The reference to the tax on our facilities at Quantico with the DEA moving into the training facilities at Quantico in October 1985 certainly presents a space problem, but we have been able to conduct seminars in locations away from Quantico, and we are interested and desirous of doing that kind of training and to enhance and build upon what we are doing.

Senator DECONCINI. The legislation directs the Secretary of Transportation, in cooperation with Justice and other agencies, to take positive measures to prevent terrorist acts at international airports. Some of those include the establishment of mandatory security and antiterrorist safety standards for all international airports, including those overseas; denying landing rights to commercial carriers originating flights at noncomplying international airports; requires installation of x ray equipment in international airports to examine baggage after it is checked in at the ticket counter—why aren't those good fundamental minimum safety measures that the FBI would be delighted to see implemented?

Mr. CLARKE. I think that the Department of Transportation is doing much of that. We are currently working with the FAA in doing some analytical work and preparing training programs——

Senator DECONCINI. Then we can put the FBI on record as supporting that part of the bill?

Mr. CLARKE. You could put the FBI on record as supporting and working with the Department of Transportation and the FAA in——

Senator DECONCINI. In these very same areas—landing rights, x ray, and further security?

Mr. CLARKE. Yes, sir; the full extent of the examination of the Department of Treasury's survey—I don't know. Most of what you mention are things we are working on with them.

Senator DECONCINI. This bill also authorizes additional Customs and INS inspectors at international ports of entry to beef up security against terrorism and authorizes additional agents, officers, and equipment at the Secret Service and BATF to enhance antiterrorist investigations within their existing statutory jurisdiction.

What's wrong with putting more manpower into the antiterrorism struggle in these agencies?

Mr. CLARKE. I am not in a position to determine whether the other agencies need additional manpower. I think if they are like us, we could probably use additional resources, and I think that, within their area of responsibility where those resources are needed, that certainly is something to consider.

Senator DECONCINI. Well, Mr. Clarke, it seems to me that the FBI is stuck, stuck, as I have seen many times as a prosecutor with local law enforcement with the State, and certainly with Federal law enforcement agencies, that boy, if we can't have control of it, we don't want anybody else to do it. I just hope that you take a message back to the Director, and I intend to see him myself.

I am just outraged as a member of the Judiciary Committee of the U.S. Senate for the FBI to be so against any innovative approaches, and they don't have to be mine, but to come forward and help train all Federal law enforcement agents to stop terrorism, preventiveness, and what have you.

And all I hear from you is some good statistics which are important, and I commend you for the fine job you are doing in the FBI, but do not want to be publicly supportive of expanding that to the other Federal law enforcement agencies—it's hard to believe that that is his position. I presume from your testimony that it is, and I hope you take that back to Mr. Webster and tell him I intend to talk to him about it.

Mr. CLARKE. I certainly will, but I would not like to leave that statement without a response, if I may.

As I indicated in my statement, we do, not only support, but participate actively in training State, local, and other Federal agencies, and by my testimony, we also support the training of agencies within their own area of responsibility. Even though the FBI and the Department of Justice may have taken a position in opposition to the bill, that doesn't mean that we are opposed to every tenet of the bill.

There are certain aspects of it that may very well confuse not only the Federal law enforcement community but the local and the foreign law enforcement community.

Senator DECONCINI. Oh, come on, Mr. Clarke——

Mr. CLARKE. Those kinds of problems exist today. We have heard people testify about the lack of cooperation. I think we have to have very clearly defined roles for each of us and that we have to learn to work within those roles together. We are doing that very successfully in many areas of the country, and the successes that we have achieved as a result of working together in those efforts speak for themselves.

Senator DECONCINI. Well, Mr. Clarke, I'm sorry that I can't agree with you. I agree in part, I guess, that the FBI does do a good job in the area of antiterrorism. I am pleased with that. I have read your testimony and other reports, and I have been briefed by the FBI and the Security Subcommittee of the Judiciary that Senator Denton and I sit on, and I applaud you for that, but it doesn't get away from this letter right here. Mr. Chairman, I ask that it be put in the record; that it opposes the legislation—three pages—and it's clear as can be by reading this letter, that it's a matter of turfs—hey, don't take anything away from the FBI. We want it all. We will parcel out what Federal agents, if any are going to have additional training.

Senator ABDNOR. Without objection, the letter will be made a part of the record.

Senator DECONCINI. I thank the chairman.

[The information follows:]

LETTER FROM PHILLIP D. BRADY, ACTING ASSISTANT ATTORNEY GENERAL

HON. WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, U.S. Senate, Washington, DC. 20510

DEAR MR. CHAIRMAN: This letter responds to your letter of August 26, 1985, in which you requested our views on Senate 1499, the Antiterrorist Training and Enforcement Act. The Department of Justice opposes enactment of Senate 1499 for the reasons set forth below.

Title I of Senate 1499 provides for the creation of a national antiterrorist training academy at the Federal Law Enforcement Training Center at Glynco, GA, and Marana, AZ. The academy would be under the Department of the Treasury and would conduct mandatory antiterrorist training for law enforcement officials of all Federal agencies with the exception of the Federal Bureau of Investigation [FBI] and the Drug Enforcement Administration [DEA]. It would also allow for the training of State and local law enforcement officials, foreign law enforcement officials, and some private sector security personnel. An appropriation of $18.7 million is included to establish the academy.

Title II of the bill is styled the International Airport Safety Act of 1985 and requires an analysis of mandatory security, antiterrorist, and related safety standards for international airports. Title III authorizes additional appropriations for various Federal agencies including a $3 million appropriation for the Bureau of Alcohol, Tobacco and Firearms [BATF] to develop and implement a portable system of explosives identification and detection devices. Title IV establishes an antiterrorism law enforcement coordinating council within the Executive Office of the President which would be chaired by the Attorney General. The council would serve to review and coordinate all Federal antiterrorist enforcement activities.

Antiterrorism training is, and should continue to be, the responsibility of the Department of Justice [DOJ] and its agencies. The FBI has primary jurisdiction with regard to the investigation of terrorist activities within the United States and the tactical resolution of terrorist incidents. The FBI's approach to the terrorism threat involves investigative activities, intelligence gathering, hostage negotiation, and crisis management. The FBI's hostage rescue team [HRT] provides a mobile tactical command capability, and the FBI has used the HRT and the special weapons and tactics [SWAT] teams to successfully resolve a number of domestic terrorist incidents. Examples include the recent arrests of members of and a large weapons seizure from the Macheteros Puerto Rican terrorist group, the apprehension of members of the "Covenant, the Sword, the Arm of the Lord" and "The Order" right-wing terrorist groups, and numerous airplane hijacking incidents.

Other Federal agencies should be in a position to recognize, identify, and understand terrorist activities when they surface in their respective areas of responsibility. However, a number of these agencies, including those of the Departments of State, Transportation, and Treasury, receive some training by the FBI to help fulfill that responsibility—particularly in the areas of incident response, crisis management, and explosives identification. The establishment of an antiterrorist academy under the Department of the Treasury would dilute the jurisdiction of the DOJ and the FBI in this crucial area.

The FBI has, for a number of years, provided tactical training to law enforcement agencies with concurrent jurisdiction in the area of antiterrorist activities. Special weapons and tactics [SWAT] training, antisniper and survival training, crisis management, bomb technician certification, and firearms training are but a few of the courses currently being provided to State and local law enforcement agencies to assist in their preparation to respond to a host of problems which may result from terrorist activity. No other Federal agency has the breadth of experience or expertise to properly train State and local law enforcement agencies, as well as other Federal agencies, to handle terrorist incidents. The FBI academy and HRT receive numerous requests for such training.

Training provided to foreign law enforcement officials presents complex issues and is subject to existing legislation. Some friendly nations, such as Great Britain, West Germany, and others have had more actual experience in antiterrorist activities than the United States, and the FBI has developed its capability in this area based on a free exchange of information with these countries. Other nations, principally those in Central and South America, are not so capable in the antiterrorism area. However, section 660 of the Foreign Assistance Act of 1961 places limitations on foreign law enforcement training. The FBI has, in compliance with section 660, not provided tactical training to these nations, but has rendered some assistance in the area of consultation and advice. Currently, this assistance has taken the form of training in basic law enforcement skills rather than more sophisticated antiterrorist training. Also, a number of these countries do not have a clearly established civilian law enforcement community which is independent of their military forces. Consequently, tactical antiterrorist training such as explosive render safe techniques and SWAT are viewed as inappropriate since the techniques may be used offensively.

The FBI is already working with the Federal Aviation Administration and the Department of Transportation in developing training programs for airport and other private sector security personnel. These programs will stress prevention of, rather than reaction to, a terrorist incident. To do otherwise may be viewed as an abdication of law enforcement jurisdictional responsibilities in the terrorism area.

With regard to the provisions of title II of the bill, the Department of Transportation is currently studying security and safety procedures for international airports and would be the appropriate agency to establish standards. We are, however, concerned that the publication requirement in the bill would provide potential terrorist groups with a primer for circumventing security mechanisms.

DOJ questions the appropriateness of the authorizations in title III. The development and implementation of a portable system of explosives identification and detection devices mentioned in section 311 is the mandate of the Department of Transportation and is currently being adequately addressed. Significant resources have already been allocated for this purpose, and the $3 million authorized in section 311 would represent a duplication of effort. The establishment of an explosives incident data base authorized by section 312 would duplicate the function of the FBI Bomb Data Center—one of seven international centers that exchange information through established channels. DOJ questions the remaining appropriations provided for in title III since they appear to contemplate additional investigative responsibilities which would overlap FBI jurisdiction. For example, sections 313 and 341 authorize the hiring of 216 ATF agents and 384 Secret Service agents, respectively—all specifically to conduct counterterrorism investigations and activities. DOJ believes this shows a clear intent in the bill to have the Department of the Treasury agencies become more active in an area of FBI jurisdiction.

DOJ opposes the establishment of the antiterrorist law enforcement coordinating council provided for in title IV. The FBI has been designated as the lead Federal agency to coordinate antiterrorism and counterterrorism activities, and therefore, should not be subordinate to a coordinating council in fulfilling its mission. The FBI, in accomplishing its responsibility, at present informally coordinates with a wide range of Federal officials with expertise in the terrorism area. This informal coordination is effective and DOJ favors this approach over the institution of a formal council.

For reasons stated above the Department of Justice recommends against enactment of this legislation. The Office of Management and Budget has advised this Department that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

PHILLIP D. BRADY,
Acting Assistant Attorney General.

Senator DECONCINI. Mr. Clarke, a former officer in the State Department, Bureau of Intelligence and Research, Mark Steinitz, wrote an article in last fall's Washington Quarterly, where he makes the connection between insurgent terrorists and drug trade. In the article, he sites evidence that the Armenian drug traffickers and terrorist groups are also linked to the Armenian traffickers in the United States. Mr. Steinitz was also a DEA intelligence officer for a while.

Your statement is very clear that you don't think there is any such connection. How do you reconcile this analysis with your own statement that you just put in the record today?

Can you make some clarifications for us? I don't know. I'm looking for answers here.

Mr. CLARKE. It's a situation, Senator, that is of concern to us, and we hear statements and references to that kind of a connection. We do know that in source countries such as in Colombia M-19 and FARC have an alliance or a relationship with drug traffickers in which the drug traffickers use the muscle of the M-19 and FARC to further their goals.

As we receive that kind of information, allegations or references, we thoroughly analyze it, review it, and share information with State Department, with CIA, with DEA, and with friendly governments, to sort through this information.

As we do that, we have not been able to come up with any hard evidence that we can rely upon that shows that that kind of connection exists in this country.

Senator DECONCINI. Including, specifically, the Armenian connection?

Mr. CLARKE. That's correct, not in this country. We are concerned, Senator, as we see these things happening in other parts of the world. We realize that the threat is certainly there, and we don't want to be caught in the position of having them get out in front of us. We want to try to anticipate those kinds of things, work with those governments, both local and foreign, to try to make sure that that kind of situation does not exist in this country.

Senator DECONCINI. So you would have to conclude then that Mr. Steinitz and also David L. Westrate, Deputy Assistant Administrator for Operations of DEA, last summer made a public statement concluding that, to the best of our knowledge, he says no U.S.-based terrorist groups are involved in drug trafficking yet.

In that same article, he points out that certain fugitive—Armenian genocide terrorists have been involved in drug trafficking and expressed concern that DEA is deeply concerned about the increasing use of terrorist tactics by drug traffickers to obtain limited political objectives.

So, you know, it appears that these people are working on hunches or, perhaps, misinformation that is more outside the United States than what is inside the United States, from what I gather from what you tell us.

Mr. CLARKE. I don't know whether it is hunches or not, because some of it is certainly historical fact, that there are certain relationships. We are concerned, and I do share their concerns about that.

Senator DECONCINI. I thank you, Mr. Chairman. Thank you, Mr. Clarke.

Senator ABDNOR. Congressman English.

Mr. ENGLISH. Thank you very much, Mr. Chairman. Mr. Clarke, I've got to say, listening to the exchange between you and Senator DeConcini, I am rather amazed.

Can you assure the people here and the American people that the FBI can protect this Nation against terrorism without the assistance of outside agencies?

Mr. CLARKE. I can assure you that we cannot, and as I pointed out in my statement, I think it's essential that we have a very close and cooperative and well-defined working relationship not only within this country, but with other friendly governments.

Mr. ENGLISH. Then I am rather amazed at the response you gave and evidently that the Justice Department gave, saying that we don't feel like we can do the job alone, but on the other hand, we don't want anybody else trained to help us.

Now that—I just don't understand it. Here we've got the President of the United States—I read his statement a little while ago. You heard me read it. Just 1 week ago—"most insidious and dangerous threats to the hemisphere today—terrorism and drug traffic"—but you all don't want anybody else trained to help out and do this job. We don't want anybody in our airports trained. Now, the FBI doesn't want that, and we don't want anybody over here in the Department of Transportation—I guess that's the Coast Guard and FAA people. We don't want them trained. We're the only ones. We can't take care of you, folks, but we don't want anyone else helping.

Is that the message that the Department of Justice is sending? Well then, tell me where I'm missing the boat.

Mr. CLARKE. Congressman English, we certainly want other agencies trained. As a matter of fact, we participate with Customs, BATF, and Secret Service in training seminars.

Mr. ENGLISH. On terrorism?

Mr. CLARKE. Absolutely.

Mr. ENGLISH. On the other hand, you don't want anything at Glynco going on?

Mr. CLARKE. No; what I said is that without further definition, of what we are talking about in terms of antiterrorism, it may create some confusion to have the Department of Justice and the FBI set out as the lead agency for terrorism matters in the United States and then set up a training facility for antiterrorism training within the Department of Treasury. We would have some trouble with that.

Mr. ENGLISH. As I understand what Senator DeConcini was saying, he would have been delighted to have the FBI do the training down there at their facility, but the Attorney General said he didn't want to do it.

Mr. CLARKE. In fact, we do participate at Glynco.

Mr. ENGLISH. All Federal law enforcement agencies?

Mr. CLARKE. Excuse me?

Mr. ENGLISH. All Federal law enforcement agencies are trained in terrorism at the FBI academy; is that correct?

Mr. CLARKE. We train other Federal agencies, State and local agencies, and——

Mr. ENGLISH. Federal law enforcement officials?

Mr. CLARKE. Yes, sir; in terrorism matters.

Our record is extensive in the forensic and investigative areas, and hostage negotiations, crisis management—all of which deal with terrorism problems. We do extensive training with other Federal agencies currently. So would this bill create a duplication of what is already being done?

Senator DECONCINI. I just can't let this go by.

Mr. ENGLISH. I yield to the Senator.

Senator DECONCINI. I can't let this go by. I was about ready to drop my hat off too with the testimony here.

Let me just read you one of the things that this bill does, Congressman English, and for the record.

The bill establishes an antiterrorism law enforcement coordinating council with the Executive Office of the President and under the chairmanship of the Attorney General. The council will serve to review and coordinate all Federal antiterrorist enforcement activities and promote cooperation and coordination of the same. The Secretary of the Treasury, the Secretary of State, the Secretary of Transportation, Director of the FBI, Director of the U.S. Secret Service, Director of the Federal Law Enforcement Training Center and its newly formed national antiterrorist training academy or their designee shall be members of this important coordinating council.

So, you know, this bill does what you say you're doing and you want to do, and yet you come out with a three-page letter in opposition to the bill.

Mr. ENGLISH. As I say, Senator, I am amazed. I'll tell you what, again, this is a House Member speaking at a Senate hearing. You'll give me a little liberty here. I hope, until the FBI can come up here and assure the American people: We can do the job and do it ourselves, I do believe I would be a little bit slow to, you know, kick dirt back and say: We don't want any help from anybody.

Mr. CLARKE. We are not saying that. I'm not saying we are opposed to training. I think the issue here is defining our terms, and would we be duplicating efforts.

The coordinating committee that you talk about, Senator, to a large extent, are groups and entities in existence today that do just exactly——

Senator DECONCINI. What coordinating committee is there that coordinates only antiterrorism training? Name one.

Mr. CLARKE. Your bill goes beyond training when you talk about coordinating. The intergovernmental group on terrorism, the IGT, develops policy and analyzes the programs for the United States dealing with terrorism, and it involves all of the Federal agencies that have a role or responsibility in this area.

We support training of the other Federal and local agencies, and we are, in fact, doing that. We just want to be careful that we are not duplicating.

Senator DECONCINI. You say for the record, there is a national coordinating committee that coordinates training for antiterrorism for all Federal law enforcement agencies? Is that what you are saying?

Mr. CLARKE. No, sir; if that's the way you interpreted it, that's not what I intended to say.

There are groups in existence today that do many of the things that we are taking about accomplishing in your bill and there may be duplication in enacting the bill in its present form.

Senator DECONCINI. What problem would there be in duplication if you had an antiterrorist law enforcement coordinating council headed with the chairmanship by the Attorney General? What problem would that be? Wouldn't that really solve the problem of any duplication? Wouldn't that be what the council would do?

Mr. CLARKE. Except that that group, Senator, would have to do something. There would have to be meetings. We would have to prepare for them. The concerns we have in Government today is not only doing more with less, but also continuing to do what we are currently doing. Maybe we should create additional responsibilities here in additional groups.

Senator DECONCINI. Mr. Clarke, this says very clearly that the council will serve to review and coordinate all Federal antiterrorist enforcement activities and promote cooperation.

If you had such a council in existence today, you wouldn't need these other groups, and this we know includes all Federal law enforcement agencies.

Mr. CLARKE. Now, what we may need to do, Senator, is look at what the IGT is doing in this area of training. Perhaps they need to bolster their efforts in that area.

Senator DECONCINI. But the IGT is under the FBI?

Mr. CLARKE. No, Senator; it's under the National Security Agency.

Senator DECONCINI. Obviously, that's where you are plugged in and where you want to keep it, because you don't want to see some new coordinating council that would work all together.

I've kind of milked this, Mr. Chairman, and I really think that Mr. Clarke has my position very clearly here, and we'll have another day at this, I'm sure.

Senator ABDNOR. Yes; I'm looking at the clock.

Mr. ENGLISH. Again, I'd just like to make a final comment and one final question, Mr. Chairman.

As I said, I still don't understand, Mr. Clarke, exactly what the objections are, and I would say that the FBI has taken on a pretty heavy load given their position on this. I think that terrorism definitely is a threat to this Nation. I think it's something that we cannot continue to expect not to happen here. I'm hopeful that it won't, but if it does, with the FBI taking the position they have on Senator DeConcini's proposal, I think they are taking on a pretty heavy responsibility. You know, my subcommittee has oversight over the FBI as well, and I'm going to have to hear you all come up and explain your way out of it if you cannot continue to protect this country against this threat.

Mr. CLARKE. I will let my statement stand on its own, Congressman, and I certainly wouldn't want you or the American public to think that the FBI is concerned about turf here.

We are concerned about redundancy. We are concerned about being efficient and well-disciplined in utilizing the resources that we have and about utilizing the capabilities of the Federal agencies within their respective areas of responsibility.

Mr. ENGLISH. One final question I would have, that I would ask you with regard to the drugs and terrorism issue.

Do the DEA and FBI, do they compare suspects with regard to these cases to see if there is a commonality between the two?

Mr. CLARKE. Mr. English, the FBI and the DEA have a total and complete open exchange of information. An FBI field office cannot initiate a field investigation without telling the DEA counterpart about that investigation. The DEA cannot initiate an investigation in narcotics without exchanging information with the FBI.

We share data bases. We share analytical capability. We have recently taken one of our program managers and assigned him to DEA headquarters to help coordinate the Sicilian mafia trafficking. We have recently moved a DEA unit chief program manager into the FBI space—physically locating him there—with the responsibility for coordinating the Colombian cocaine trafficking investigations.

Mr. ENGLISH. But do you routinely match those lists together in the FBI headquarters and DEA headquarters in Washington or is it something that takes place only in the local area with the local offices?

Mr. CLARKE. I can't speak with certainty as to what takes place in the DEA office, but when an FBI case is initiated, individuals and places, businesses, whatever the subjects of that investigation, are listed. They are searched through our indices against any names that we have. When we get the names from DEA about what they are doing, they go into that list of names, so that there is a checking at the time.

Mr. ENGLISH. That's done in Washington?

Mr. CLARKE. It's done in each of the field offices at the time of the investigation.

Mr. ENGLISH. What about Washington?

Mr. CLARKE. There is a certain amount on a case specific basis.

Mr. ENGLISH. Here's the thing I'm getting at. When we were down in Southcom about 1 year ago down in Panama, General Gorman, who was in command then, did do that with some of the suspects that they had in that area and they did match up. And so I would strongly urge that you take a hard look at that and on a routine basis—certainly, you have the computer capability to match up and see what commonality there might be.

Mr. CLARKE. Congressman, we do that. In addition, at headquarters our programs for terrorism and narcotics are two separate programs with two separate people in supervision. We also coordinate those investigations to ensure that we don't have an overlap.

Mr. ENGLISH. Thank you, Mr. Chairman.

ADDITIONAL SUBMITTED STATEMENT

Senator ABDNOR. The subcommittee has received a statement from Stephen M. McNamee, U.S. attorney from Arizona which will be placed in the record at this point.

[The statement follows:]

STATEMENT OF STEPHEN M. MCNAMEE

I appreciate the opportunity to appear before you to discuss terrorist threats to the southwestern United States. Arizona borders the Republic of Mexico and is part of a geographic area that, along with other States, has an extensive boundary with the Republic of Mexico. I am pleased to report that we have had no incidents of international terrorism in the Southwest and hopefully that status will continue.

There are several reasons why the Southwest is probably a lesser target for terrorist activity: the Republic of Mexico has demonstrated little tolerance for people who engage in terrorist activities; the FBI's excellent intelligence gathering base which has aborted terrorist activities in the United States before they occur; and last, the activities of Congress in strengthening Federal statutes to increase penalties against terrorists activities.

Although optimistic that the Southwest will remain free from terrorist activities, I am painfully aware—through recent activities in Europe—that terrorists can strike at any time, at any place, with little or no cause or reason and without respect to human life. It is a sad commentary when indiscriminate killings occur which are endorsed and encouraged by the head of a nation who believes these acts of gangsterism are merely a part of a holy crusade.

I would hope that Congress would followup its excellent beginning in 1984[1] by acting swiftly on Senate 239 which is the reinstitution of the Federal death penalty. Although there is a Federal death penalty statute on the books it is limited in its application and has been found unconstitutional through recent Supreme Court decisions. We are confident that the Senate Judiciary Committee, under the strong representation of Senator DeConcini, will ensure that a death penalty is passed that will meet constitutional standards. This will ensure that persons convicted of terrorists killings can receive the maximum sentence.

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[1] As part of the 1984 comprehensive crime control package Congress increased the penalty provisions or provided new statutes aimed at terrorist's activities; "Hostage Taking," (18 U.S.C. 1203); "Aircraft Sabotage," (18 U.S.C. 32); "Crimes Against Family of a High Ranking Federal Official," (18 U.S.C. 115); "International Traffic in Arms Regulations," under the authority of the Arms Export Control Act (22 U.S.C. 2778); "Expansion of Special Maritime and Territorial Jurisdiction," (18 U.S.C. 7(7)); "Murder for Hire," (18 U.S.C. 1952A); "Rewards Provisions," (18 U.S.C. 3071-3077, 22 U.S.C. 2708).

We also support legislation which would increase the jurisdiction of the United States to allow for the prosecution of those who commit acts of murder and assault against Americans in foreign countries. The Senate Judiciary Committee has reported favorably on this legislation. Senate 1429.

History has been a very good teacher, and we all know that there will be no peace in the world until these merchants of hate are brought before the bar of justice and punished for their acts of international terrorism.

I would be pleased to respond to any questions the subcommittee may have.

ADDITIONAL COMMITTEE QUESTIONS

Senator ABDNOR. Thank you, Congressman. I have a couple of questions that I'm going to submit in writing.

Senator DECONCINI. I'm sorry.

Senator ABDNOR. That's fine. We will submit them to you.

Mr. CLARKE. Yes, sir.

Senator DECONCINI. Thank you, Mr. Clarke. I want to thank you too for taking the time to come out here, notwithstanding my deep commitment to doing something more than what the FBI is doing. Without criticism of the FBI, I intend to work with the Justice Department and, hopefully, with some persuasiveness get other colleagues to convince you that we need to do more than what you are doing.

Mr. CLARKE. I appreciate that, Senator. I thank you for those comments.

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

ADDITIONAL COMMITTEE QUESTIONS

QUESTION: 1

Mr. Clarke, in your statement you note intelligence is a key to your enforcement efforts. I could not agree more. There is no doubt that intelligence is the key to all of our enforcement activities. We have supplied funding for considerable resources If we can, I believe, we will provide more. These resources, to be utilized effectively, must have intelligence.

A) Are we getting that intelligence?

ANSWER:

The FBI is getting more intelligence information than at any previous time. This is due in large part to increased funding for both physical and personnel resources. The best example of a result of increased intelligence can be seen in the increase in the number of terrorist acts prevented. Between 1982 and 1985, this statistic rose from three to twenty-three. This is a clear indication that the FBI is becoming more effective in combatting terrorism.

QUESTION: 1

B) What can be done to get more?

ANSWER:

Our view of intelligence is that it is information which has been subjected to the analytical process so that it may be effectively used to prevent terrorist acts, compile threat assessments, solve crimes, and satisfy the needs of United States Government policy makers. So this question really requires a two part answer. On the one hand, we have greatly increased the flow of information into our data base by increasing the number of Special Agents focusing their attention on the terrorism problem and by increasing the degree of our interaction with other Federal and international intelligence and law enforcement agencies. Additionally, we have stepped up the degree of cooperation with state and local police agencies, often in the context of joint terrorism task forces. This allocation of resources and expansion of interagency interaction has been complemented by increased court ordered use of modern technology to enhance the information collection effort.

The process by which this information is turned into finished intelligence is analysis. In this area we have made great strides in recent years. We have created a Terrorist Research and Analytical Center, developed a cadre of professional analysts dedicated to counterterrorism, and have designed sophisticated computer systems. At this point we are pushing the limits of technology by exploring the feasibility of artificial intelligence applications.

We believe the initiatives mentioned here have greatly enhanced the FBI's ability to build a satisfactory terrorism intelligence data base. Further improvement will come with anticipated increased emphasis in these areas.

QUESTION: 2

I do not want to go into specifics, but I assume, in light of current problems with Libya, intelligence gathering activities have been intensified. Is the intelligence network open? Are we sharing information with all government agencies? Is it being done on a timely basis?

ANSWER:

Yes, the intelligence network is open. Information that has been gathered is being shared on a timely basis with all government agencies which are recognized members of the United States Intelligence Community (USIC), and with those agencies that are outside of the USIC if there exists a demonstrated need to know.

QUESTION: 3

As a result of this (Libyan) activity, are methods being developed to streamline procedures?

ANSWER:

The FBI continually strives to improve and/or streamline, through all legal means possible, the methods, techniques, and procedures necessary to carry out its role as the lead agency for terrorism in the United States. Examples of this are the FBI's participation in the Vice President's Task Force on Terrorism, as well as the FBI's ongoing representation at various working level/executive level USIC committees on terrorism. One of the primary goals of these bodies is to eliminate barriers to the rapid and effective exchange of terrorist threat-related intelligence. To date good progress has been made in this area. New communications and computer systems have been developed, new procedures have been devised and implemented and, perhaps most importantly, the level of interagency information sharing has increased significantly. In a word, the agencies having counterterrorism responsibilities are talking to each other in a more effective fashion than ever before.

QUESTION: 3a

Justice: Clarke: Terrorism

In a speech in San Antonio last November, Ambassador Bruce Laingen, Vice President of the National Defense University, acknowledged that terrorism occurs primarily outside of the United States. However, he says that "domestic terrorism could become a serious problem with the principal threats today coming from Puerto Rican terrorists, plus individuals and groups, often loosely linked, who foster neo-Nazi, fundamentalist Christian white supremacy attitudes."

He goes on the say there is also a potential foreign terrorist threat of major dimensions within the United States, including Libyans, Iranians, Armenians, Palestinians, and Sikhs.

Could you elaborate on Ambassador Laingen's concern about the domestic threat these groups pose to the United States, especially to the southwest?

ANSWER:

At present, the only domestic terrorist group known to the FBI which poses a significant threat to the southwestern United States is the Arizona Patriots (AP), also known as the Committee of the State of Arizona. This group is an extremist, antitax and paramilitary organization that is headquartered in Prescott, Arizona, and has supporters/sympathizers located throughout Arizona. The AP seeks the overthrow of the Government of the State of Arizona. In this regard, it filed for a new state constitution for Arizona in 1984 and gave members of Arizona's executive, judicial, and legislative branches 30 days to resign.

The AP is currently under investigation by the FBI. Although members of this organization have not engaged in any known terrorism or acts of violence, there is information that some members are engaged in activities which, in effect, may be preparatory stages for violence. This information cannot be further discussed, however, because of the current investigation. Assuredly, proactive measures will be taken if and when they are needed.

While the other groups mentioned do not pose a specific threat to the southwest, they have been of investigative interest to the FBI for some time. Comments regarding the threat posed by these groups follows:

Puerto Rican - The main groups of concern are the Armed Forces of National Liberation (FALN), the Boricuan People's Army-Machete wielders (EPB-Macheteros), and the Organization of Volunteers for the Puerto Rican Revolution (OVRP). The FALN has been chiefly active over the years in the New York and Chicago areas where they have perpetrated over 100 bombings since 1974. At present the key leaders of the FALN are incarcerated due to convictions for armed robbery, seditious conspiracy, and weapons violations. This group has perpetrated no incidents since 1982 and the threat of renewed violence in the near term is considered moderate. The EPB-Macheteros and their affiliate group, the OVRP, have been active since 1978 on the island of Puerto Rico with bombings, shootings, and rocket attacks. Targets have included Federal buildings, military bases and personnel, and Armed Forces recruiting stations. Arrests of key leaders in August 1985 are thought to have badly disrupted the activities of these groups, but the threat of renewed violence on the island remains high.

Libyan - The chief threat is posed by Libyan nationals in the United States, often in a student status. They are present on campuses throughout the country and their activities are monitored and, occasionally, directed by the People's Committee for Libyan Students in McLean, Virginia. Given events in the Mid-East and western Europe and statements by Qadhafi, the threat posed by these individuals or by individuals who could be dispatched to the United States is considerable. In the near term, however, it is judged that the Libyan capability is geared more to taking limited action against Libyan dissidents than to embarking on a sustained attack on United States interests in the United States.

Iranian - Large numbers of Iranian nationals are in the United States, again often in a student status. These individuals are even better organized than the Libyans through the medium of Islamic Society chapters. While it is believed that an infrastructure exists which could serve to support a terrorist campaign against United States interests, activity to date has centered around monitoring and engaging Iranian dissident elements. Given the volatility of the political situation in the Mid-East and the more than adequately demonstrated hostility of the Government of Iran towards the United States, the threat posed by certain Iranian elements must be considered high.

Armenians - Armenian terrorist groups have been active over the years against Turkish interests in retaliation for the alleged massacre of 1.5 million Armenians in 1915. In the United States this international campaign has taken the form of bombings and assassinations of Turkish diplomats. A series of arrests and prosecutions over the past three years has resulted in what is at least a temporary cessation of violence. The threat to Turkish interests, however, remains considerable.

Palestinians - Palestinian groups have traditionally viewed the United States as a source of financial support and have never engaged in terrorist attacks here. With increased splintering of the Palestinian movement, however, this situation could well change. Disparate elements of the movement, not subject to the discipline of a unified PLO leadership, have in the recent past perpetrated several terrorist attacks in Europe and the Mid-East. There is a possibility tnis activity could be brought to the United States, although there is no evidence to suggest that this is planned. It is simply that the rationale which led us to rate the Palestinian threat as low in past years may no longer be valid. The situation has became less predictable and, therefore, the threat would have to be considered at least moderate.

Sikhs - Sikh extremist elements in the United States belong to at least a dozen organizations which advocate the concept of a separate state of Khalistan. Their recent attempts at violence against Indian officials in the United States demonstrate their intent. The threat to Hindu, Indian, and moderate Sikh interests in the United States is considered high.

QUESTION: 4

JUSTICE: Clarke/Laingen Speech/Narco-Terrorism

Ambassador Laingen also said in his November 21, 1985, speech that the "new threat of narco-terrorism has grown during the past year." He went on to say" it is doubly dangerous because it often combines drug criminals with political terrorists and guerrillas." He also acknowledged cooperation among major narcotics groups and terrorists in Ecuador, Peru and Colombia.

(A) What can you tell us about the Narcotics-Terrorism connection here in the United States and in our southern neighbor, Mexico?

ANSWER:

Information available to the FBI indicates that cooperation between terrorist organizations and narcotics traffickers is common in drug-source countries such as Ecuador, Peru and Colombia. While there are distinct differences between narcotics traffickers and terrorist or insurgent groups in these countries, there is generally a limited degree of contact and cooperation between groups active within specific regions. This is because insurgent and terrorist groups often have base camps or infiltration routes in remote rural areas where narcotics traffickers cultivate their crops. Relatively free movement is possible in these areas because of the limited central government presence. While insurgent groups do not usually participate directly in the cultivation of narcotics, they will often obtain money from the narcotics traffickers through extortion, typically accomplished by charging fees for protection of growing areas, processing facilities or distribution routes.

At this time, in the United States, there does not appear to be any linkage between narcotics traffickers and terrorist groups. One reason for this may be because in the United States drugs are more often consumed than produced. Consequently, there are no geographically common operation and production areas for narcotics traffickers and terrorist groups. Furthermore, in the United States, there appears to be a distinguishable difference between violent or "terrorist" acts committed by narcotics traffickers and those committed by terrorist organizations. Most narcotics traffickers use violence to protect their areas of criminal interest independent of concerns or objectives of any terrorist groups. Terrorist groups, however, usually use violence to fulfill the political objectives of their specific organizations or to secure the money necessary to continue their operations. Any contact between terrorist groups and narcotics traffickers in the United States can probably be attributed to the clandestine nature of both types of groups and their criminal activities.

It is, however, considered possible that such a linkage could develop in the future since there have been documented associations in the past. For instance, beginning in late 1981 and continuing through 1982, members of the anti-Castro terrorist organization Omega 7 attempted to collect money owed to Manuel Fernandez, a major marijuana trafficker in southern Florida. Fernandez gave Eduardo Arocena, leader of Omega 7, $50,000 and instructed him to collect money owed to him by Cuban exiles and South American narcotics users and traffickers. According to Fernandez, his agreement with Arocena was that Omega 7 would receive approximately 35 percent of the money they collected.

In a 1984 FBI investigation regarding the attempted assassination of Honduran President Roberto Suazo it was determined that three subjects in the investigation, Faiz Sikaffy, Manuel Binker and Gerard Latchinian, were financing the assassination plot by trafficking in marijuana and cocaine. On October 28,1984, the subjects had 345 kilos of cocaine, valued at approximately $10,800,000 flown to a remote airstrip in south Florida. This shipment was subsequently seized and the subjects and other conspirators arrested. This investigation illustrates, among other things, how easy it would be for criminal, or terrorist groups to finance their activity in the United States through the sale of narcotics. Consequently, it is anticipated that linkages between narcotics traffickers and terrorist groups may develop in the future.

One recent case we have looked at closely in this connection concerns one Joseph Paul Murray who has been indicted for his involvement in the September, 1984 shipment of seven tons of weapons from Massachusetts destined for delivery to the Provisional Irish Republican Army (PIRA) in Ireland. Murray has been indicted for the importation of narcotics in another case. To date no evidence has been developed which establishes a relation between these activities or that PIRA is using narcotics trafficking to fund its activities. This type of case will, however, be closely monitored to determine any significant terrorism/narcotics nexus.

While the FBI does not have specific investigations regarding the narcotics-terrorism connection in Mexico, intelligence reports furnished by other U.S. Government agencies suggest that there may be linkages between the two groups. Corruption within segments of the Mexican Government and law enforcement establishment is considered to be very pervasive. Narcotics traffickers have apparently been able to "pay off" corrupt Mexican officials in order to secure areas of operation. These corrupt officials often simply ignore the activities of the narcotics traffickers in their jurisdiction; however, on occasion they have provided protection for the narcotics traffickers by guarding processing facilities or air strips.

The murder of Drug Enforcement Administration Special Agent Enrique Camarena Salazar illustrates, among other things, the extent to which narcotics traffickers are capable of corrupting Mexican Government officials. Several Mexican police officers have been charged with Camarena's murder while other officers are being held on drug-trafficking charges.

QUESTION: 5a

What role, if any, will the FBI and the Department of Justice (DOJ) play in the Central American Counter-Terrorism Program?

ANSWER:

At the request of the Department of State (DOS), and in response to National Security (NS) memorandum 852271, a working group of Federal law enforcement personnel was formulated to address the Central American Counter-Terrorism problem. The group is headed by the DOS.

The DOJ is represented by one Supervisory Special Agent (SSA) of the FBI, Training Division, who is experienced in law enforcement training and education, and one Drug Enforcement Administration (DEA) SSA. The FBI is acting in an advisory capacity only concerning law enforcement curricula in non-tactical areas, and the identification of training resources to support the curricula.

It is noted that this response addresses only the Training Division's role, and that the last contact with DOS concerning this matter was on 11/14/85. DOS advised at that time that no further action would be taken until the requested funds were appropriated.

QUESTION: 5b

FBI: Central American Counter-Terrorism Program.

It appears that the new Central American Counter-Terrorism program will be managed primarily by the State Department and the DOD with little mention of the Justice Department's role.

What is your assessment of the Central American terrorist threat to United States interests along the southwest border?

ANSWER:

At this time, the FBI does not perceive a transnational terrorism threat along the United States - Mexican border. Cooperation between United States and Mexican authorities has made it clear that terrorists will not be able to operate in one country and find sanctuary in the other. This cooperation was recently exhibited when Luz Maria Berrios Berrios, a member of the Puerto Rican terrorist group known as EPB-Macheteros, was deported from Mexico to the United States. This individual, who was residing in Cuernavaca, Mexico, was being sought by the FBI for her involvement in a $7.2 million robbery of the Wells Fargo Terminal in West Hartford, Connecticut.

QUESTION 6:

FBI: Clarke: Private counterterrorism/mercenary training camps in the southwest.

Mr. Clarke, on October 2nd, the Judiciary Committee on Security and Terrorism began a series of hearings on mercenary training camps in the United States -- allegedly the home of terrorist trainees. Chairman Jeremiah Denton was focusing attention on allegations about such camps in his home state of

Alabama -- specifically a camp in Dolomite, Alabama, where several Sikh students attending a two-week session at the camp were allegedly being trained and armed to carry out the assassination of Indian Prime Minister Rajiv Gandhi and the Chief Minister of the State of Haryana, India.

Could you tell the Committee about FBI investigations of other private counterterrorism/mercenary training camps in the State of Arizona or other southwestern states and what your overall assessment is of the role these camps play in promoting domestic terrorism?

ANSWER:

The FBI has identified three general categories of franchises or commercial establishments that run paramilitary training camps throughout the United States.

The first category includes the type of camp where one could, for a fee, participate in a "war game" of limited duration, as well as those types of camps which offer highly specialized instructions to law enforcement, corporate security, and military organizations throughout the world. The number of camps in this category is increasing due to the popularity of "war game" franchises and the perceived need by law enforcement, corporate security, and military organizations for antiterrorist or counterinsurgency training.

The second category includes camps run by survivalist organizations, which are involved in providing different types of programs to include firearms, martial arts, survivalist techniques, and paramilitary training.

Finally, the third category is mercenary training camps, which offers the same type of training provided by survivalist and "war game" camps, as well as providing information to their graduates regarding foreign employment.

The mercenary camp in Dolomite/Birmingham, Alabama, where Sikhs were receiving training in the use of firearms and explosives to allegedly cause the revolutionary overthrow of the present Government of India and carry out the assassinations of Indian Prime Minister Rajiv Gandhi and the Chief Minister of the State of Haryana, falls in the third category and is identified as one of the two of such training camps in the United States. The other camp is located in Detroit, Michigan.

FBI investigations to date have not identified the existence of any private counterterrorism/mercenary training camps in the State of Arizona. The same is true of the southwestern states of Texas and Oklahoma. However, the FBI has identified the existence of two training camps in the State of Colorado, and two training camps in the State of New Mexico.

The camps in Colorado are Executive Security International, Inc. (ESI) in Aspen and the Rocky Mountain Commando School in Hotchkiss. While the former (ESI) offers training in hand-to-hand combat, handgun shooting, electronic security, and escape and evasive driving, the latter is more of a survivalist camp which trains its students in parachute jumping, scuba diving, small arms training, and wilderness survival. There is no information to date indicating that either any of these camps are training or have trained students of a foreign nationality.

The training camps in New Mexico are "Special Action Commando School" in Pasco, which offers paramilitary training to its students, and the "Khalsa Women's Training Camp" in Espanola, which is attended by certain Sikh females. Although currently under investigation by local, state, and Federal law enforcement agencies, no information has been developed concerning the types of training or the nationality of the students at either of these camps.

The FBI is concerned about the availability of these training camps which may offer training to individuals who might utilize it for terrorism purposes in the United States or abroad. However, it is believed that such camps only play an indirect role in promoting terrorism since those individuals who join such schools to use their training for terrorism purposes, i.e., the Sikhs who received training in the mercenary camp in Alabama, already have the propensity to get involved in acts of terrorism.

QUESTION 7:

FBI: Clarke: Domestic Terrorism: Webster "Today Show" interview.

The Associated Press reported recently that FBI Director Webster counted 23 domestic terrorist incidents that were foiled by the Bureau before they could materialize in 1985 -- the highest number of thwarted domestic terrorist incidents since the Bureau began to keep track in 1982. Among the 23 incidents was the thwarted assassination attempt on Indian Prime Minister Rajiv Gandhi during a state visit here.

Can you tell the Committee about some of the other groups that may have been involved in the other 22 incidents? I know that some of those did not result in prosecutions, but it would be helpful to know what type of groups are making these attempts to commit acts of terrorism here in the United States.

ANSWER:

On May 11, 1985, Linda Sue Evans, Marilyn Jean Buck, and Laura Jane Whitehorn, members or associates of the May 19th Communist Organization (M19CO), a Marxist-Leninist group which openly advocates the overthrow of the United States Government through armed struggle and the use of violence, were arrested after extensive investigative effort. After their arrests, a number of searches were conducted at "safehouse" locations. Evidence recovered establishes a connection between these individuals, the Armed Resistance Unit (ARU), and the Red Guerrilla Resistance (RGR). Recovered were listings of 14 potential bombing targets along with materials which could be used to construct explosive devices. All three individuals have been indicted on various Federal charges.

On August 12, 1985, Eldon "Bud" Cutler was arrested in Idaho after he ordered a contract killing of a cooperating witness in the case against "The Order" (an off-shoot of the Aryan Nations which is an extremist right wing group headquartered in Hayden Lake, Idaho). Cutler had also indicated an intent to murder two other individuals.

In June 1985, at least three murders planned by Libyan agents were prevented by investigation, persona non grata action, and re-entry denials.

Question #8:

What level of resources has been put into the FBI's Organized Crime Drug Enforcement Task Force (OCDETF) Program in Arizona and other Southwest border states to fight narcotics trafficking operations? What were the results?

Answer:

The following positions have been allocated as OCDETF Program resources in the Southwest border region:

State	Special Agents	Support Personnel
Arizona	5	2
Southern Distict of California	11	4
New Mexico	2	0

The FBI has commited resources over and above the ones allocated to support OCDETF Program investigations on an as needed basis.

The following statistical information was obtained from the Administrative Office, OCDETF Program, Department of Justice (DOJ).

Southwest Border Region:

Calendar Year	Indictments	Individuals Indicted	Convictions
1983*	2	4	0
1984*	43	251	46
1985#	91	582	218

*As reported in the bi-weekly reports dated November 1983, December 26, 1984 and January 8, 1986.

#These numbers reflect the cumulative statistical totals for calendar years 1983, 1984, and 1985.

Question #9a:

What has been the major reason for the failure of the OCDETF to increase arrests, convictions, and indictments over the last three years?

Answer:

The following statistical information obtained from the Administrative Office, OCDETF Program, DOJ, indicated that the statistical accomplishments have increased over the last three calendar years. The following is a listing of those statistical accomplishments:

Calendar Year	Indictments	Individuals Indicted	Convictions
1983*	264	1,232	216
1984*	953	3,733	1,408(individuals sentenced)
1985#	2,086	7,769	3,263

*Statistical accomplishments reflected in the OCDETF annual report.

#The cumulative totals statistical accomplishments for calendar years 1983, 1984, and 1985 as reflected in the bi-weekly report dated 1/8/86.

Question #9b:

What has been the OCDE track record for arrests, convictions, and indictments in Arizona and Southwest border states, over the last three fiscal years?

Answer:

The Administrative office, OCDETF Program, DOJ, is the official collector of statistical information of the OCDETF Program. This information is collected and reported by calendar year for the years 1984, 1985, and 1986. The statistical accomplishments for the OCDETF Program in the Southwest border region, which includes the state of Arizona, are set forth in Question #8.

QUESTION: 10

FBI Narco-terrorism link.

Everyone from the former Commander of SOUTHCOM to President Reagan has acknowledged the overwhelming evidence of a link between drug trafficking and insurgencies and terrorism in the troubled Central American-Latin American region.

What information do you have at the FBI that shows a link or lack of a link between the drug trade, the illicit arms trade, and terrorism in these regions, including Cuba?

ANSWER:

During the course of international terrorism investigations regarding the activities of revolutionary Central American groups in the United States, the FBI has received information indicating a link between drug traffickers and insurgent/terrorist organizations in the Central American-Latin American region. In addition, information furnished to the FBI by other U.S. Government agencies supports this link.

Information available to the FBI indicates that Latin American narcotics traffickers and insurgent/terrorist groups often operate in the same remote rural areas in drug-source countries. Consequently, there is regular contact between the two types of groups. It appears that narcotics traffickers will often pay or are forced to pay insurgent/terrorist groups to protect their crop cultivation areas, air strips and processing facilities from other narcotics traffickers and government forces. Allegations are that payment for these services are, on occasion, made with munitions and weapons rather than currency.

The FBI has also received unsubstantiated information that Colombian narcotics traffickers paid the 19th of April Movement (M-19), a Colombian insurgent organization, to destroy extradition documents when they took over the Palace of Justice in Bogota during November, 1985. The M-19 did occupy the Palace for a short time, however more than 50 of its members were killed when Colombian forces established control over the building. Although the information that the M-19 was going to destroy extradition documents is not confirmed, it is known that Colombian narcotics traffickers will attempt to disrupt extradition proceedings. In November, 1984, in response to increased extraditions of narcotics traffickers to the United States, a car bomb was detonated outside the U.S. Embassy in Bogota, killing one Colombian woman. Traffickers also have threatened to kill five Americans for every Colombian extradited to the United States and ten U.S. Exxon employees for every Colombian sentenced in the United States. Threats against the lives of the U.S. Ambassador to Bolivia and the former U.S. Ambassador to Colombia have also been made.

The Government of Cuba (GOC) is known to have been directly involved with narcotics traffickers in the past. Currently, however, the GOC appears to be playing the role of an intermediary in the flow of narcotics rather than being the source of the narcotics. Reporting indicates that the GOC continues to tolerate narcotics traffickers using its territory. During March, 1985, an FBI source reported that new aircraft smuggling corridors had been established whereby marijuana and cocaine are flown from Central America and Colombia to Jamaica. From there, it is flown over the eastern portion of Cuba and into the United States. According to the source, it is common knowledge that if aircraft flying in Cuban airspace between Jamaica and the United States stay under 180 knots air speed, they will not be intercepted by Cuban air defenses.

QUESTION: 11

FBI: Clarke:

Senator Patrick Leahy, Vice Chairman of the Senate Intelligence Committee, said on Meet the Press last Sunday that this country is not prepared to deal with terrorism in the Middle East, in Europe, or in the United States. Although he dismissed the rumors of so-called Libyan "hit squads" or "suicide squads" here in the United States, he seems to share my view that we are not prepared to deal with terrorist threats here in the United States.

What evidence can you give us that the United States is fully prepared to deal with terrorist threats against buildings, military bases, and citizens here at home?

ANSWER:

The United States Government has, over recent years, expended considerable effort to improve its capability to deal with the terrorist threat. Within the overall government structure, the FBI has been designated the lead Federal agency to combat terrorism within the United States. In order to carry out our lead agency responsibilities, we have elevated our Terrorism Program to national priority status; created a Terrorist Research and Analytical Center to help manage information collected in investigations; developed a sophisticated computer data base to aid case management, discern trends, and discover relationships between subjects; developed an "expert system" which will allow for innovative artificial intelligence applications; and increased our use of advanced technology for surveillances. We have also strengthened our relationships with other Federal, state and local agencies and have developed closer working relationships with foreign law enforcement and intelligence services. Among the most successful innovations has been the creation of joint terrorist task forces in major cities. These task forces have combined the resources of Federal, state and local agencies to concentrate on terrorist problems.

These measures have contributed significantly to our record of performance over the last few years. In 1982 there were 51 terrorist incidents in the United States; in 1983, 31 incidents were reported; 1984 saw only 13 incidents. Last year, in 1985, only seven terrorist incidents were recorded, the fewest number since the FBI began keeping statistics. In those same years, our preventions (the ability to stop terrorist attacks before they occur) rose from 3 in 1982 to 6 in 1983, to 9 in 1984, to 23 in 1985. Major successes have been recorded against almost every terrorist group, domestic and foreign, in the last three years with the result that no acts of international terrorism have occurred in the United States during the last two years, although several major preventions were effected. In the area of security contingency planning by the FBI such as the responsibility for "Special Events Management," i.e., the 1984 Summer Olympics at Los Angeles, California, the recent World's Fairs, and the National Political Conventions, not one act of terrorism was successfully perpetrated. Additionally, the Hostage Rescue Team of the FBI has assisted in site surveys of sensitive locations at the request of another Federal agency and there are plans to embark on a long term effort to identify potential terrorist targets. As resources allow, the technology of the "Surrogate Travel System," used to good effect at the Olympics, will be employed. We are also seeking the creation of new legislation which would make it a crime to take hostages in a Federal building.

QUESTION 12:

JUSTICE: Anti-Terrorist Training.

Ambassador Bruce Laingen, Vice President of the National Defense University, said two months ago in his speech on terrorism that "our newest weapon in the assault against terrorism, in cooperation with other governments, is the Anti-Terrorist Training Program. This program provides training to friendly foreign governments on various aspects of counter-terrorism. Much of this training is done at the Treasury Department's Federal Law Enforcement Training Center at Glynco, Georgia.

Could you tell us what role the Justice Department is playing in the Anti-Terrorist Training Program for friendly foreign governments?

ANSWER:

The FBI regularly supports the United States Department of State (USDS) which has the primary responsibility for the administration of the Anti-Terrorism Assistance Act. While this support does not extend to training, the FBI meets with and provides briefings, tours, and demonstrations of investigative techniques and tools for high-level law enforcement personnel of friendly foreign governments invited to the United States by the USDS. These are conducted at both FBI Headquarters and the FBI training facility at Quantico, Virginia, and usually occupy approximately one and one-half days of their visit to the United States.

QUESTION: 13

FBI: Involvement of narcotics traffickers with United States-based terrorist groups.

An article by David L. Westrate, Deputy Assistant Administrator for Operations of DEA last summer, concluded "that to the best of our knowledge, no United States-based terrorist groups are involved in drug trafficking." Yet in the same article he points out that certain fugitive Armenian Genocide terrorists have been involved in drug trafficking, and expresses concern that DEA is deeply concerned about the increasing use of terrorist tactics by drug traffickers to attain limited political objectives. What these statements tell this Senator is that there is a domestic terrorist-drug link that demands preventive action. After all, Armenian terrorists are in this country and I find it hard to believe that other known terrorist groups here in the States are not somehow linked with the drug trade or in the use of drug profits to finance terrorist plans in the United States.

Can you be so certain that no United States-based terrorist groups are involved in drug-trafficking?

ANSWER:

At this time, in the United States, there does not appear to be any linkage between narcotics traffickers and terrorist groups. One reason for this may be because in the United States drugs are more often consumed than produced. Consequently, there are no geographically common operation and production areas for narcotics traffickers and terrorist groups. Furthermore, in the United States, there appears to be a distinguishable difference between violent or "terrorist" acts committed by narcotics traffickers and those committed by terrorist organizations. Most narcotics traffickers use violence to protect their areas of criminal interest independent of concerns or objectives of any terrorist groups. Terrorist groups, however, usually use violence to fulfill the political objectives of their specific organizations or to secure the money necessary to continue their operations. Any contact between terrorist groups and narcotics traffickers in the United States can probably be attributed to the clandestine nature of both types of groups and their criminal activities.

It is, however, considered possible that such a linkage could develop in the future since there have been documented associations in the past. For instance, beginning in late 1981 and continuing through 1982, members of the anti-Castro terrorist organization Omega 7 attempted to collect money owed to Manuel Fernandez, a major marijuana trafficker in southern Florida. Fernandez gave Eduardo Arocena, leader of Omega 7, $50,000 and instructed him to collect money owed to him by Cuban exiles and South American narcotics users and traffickers. According to Fernandez, his agreement with Arocena was that Omega 7 would receive approximately 35 percent of the money they collected.

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DEPARTMENT OF THE TREASURY

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

FEDERAL LAW ENFORCEMENT TRAINING CENTER

STATEMENTS OF:

STEPHEN HIGGINS, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

CHARLES RINKEVICH, DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER

Senator ABDNOR. I think in order to expedite matters, I'm going to ask our final two witnesses to appear together. I think they have a lot in common. Neither one of these gentlemen are strangers to this subcommittee, and I just want to welcome both Steve Higgins who is Director of the Bureau of Alcohol, Tobacco and Firearms, and Charles Rinkevich, who is Director of the Federal Law Enforcement Training Center.

Gentlemen, since time is somewhat limited, I'm going to ask you to summarize your formal statements. Let's just take a quick recess, folks.

[A brief recess was taken.]

PREPARED STATEMENT

Senator ABDNOR. We will continue. As I was saying, gentlemen, if you would summarize your formal statements, we will me more than happy to place your entire statements into the record as though given.

So with that, please, we will call on you, Mr. Higgins, to kick off.

[The statements follow:]

STATEMENT OF STEPHEN E. HIGGINS

It is a privilege to appear before this Subcommittee today to discuss the role of the Bureau of Alcohol, Tobacco and Firearms (ATF) in countering drug smuggling and terrorist threats along the Southwest border.

ATF is able to focus on violations of the Federal firearms and explosives laws to target major domestic and international criminal elements involved in terrorism and drug smuggling. It is a well known fact that drugs and firearms go hand-in-hand. In the law enforcement community, we are becoming increasingly aware of the relationship between firearms, drug trafficking and terrorist groups. Firearms are traded for drugs and money. The Black Market price for smuggled weapons is double their US value. In addition, terrorist groups are suspected of being involved in drug trafficking to finance their activities in Latin America.

ATF's efforts to impact on the supply of narcotics coming from Latin America have included increasing our contacts with law enforcement authorities in these countries and offering our investigative services. Through the services of ATF's National Tracing Center, we are able in many instances to determine the stolen status of a firearm or patterns of international gun smuggling. During FY-1984, approximately 35 percent of all foreign trace requests involved Latin American countries. ATF has a continuing firearms tracing program with the cooperation of Latin American law enforcement officials.

ATF's tracing program has shown that smuggled weapons have been used in plots to kill Americans and foreign leaders. For example, ATF traced 9 firearms recovered by Mexican police at a shootout on March 2 at a ranch belonging to the Manuel Bravo-Corvantes family. Two days later, the body of Drug Enforcement Administration (DEA) agent Enrique Camarena was discovered near the ranch. We traced two of the recovered firearms to Rafael Manzo, a Houston resident, who sold the firearms to Bravo in Texas. Manzo was convicted of selling firearms to a nonresident of the state.

A machine gun was used last year to assassinate the Justice Minister of Columbia. The machine gun was traced to Florida.

On May 17, 1984, several individuals attacked a Matamoras, Mexico medical clinic in an attempt to kill a leader of one of the Mexican crime families. During the attack six bystanders were killed. Nine recovered firearms were traced to a person who is suspected of being a gun smuggler.

On November 22, ATF received a request from the Colombian Embassy to trace three U.S. made firearms involved in the murder of a number of court officials, including judges, which occurred at the Justice Building in Bogota. The firearms were Colt M-16 machine guns. Two of the machine guns had been shipped to the Nicaraguan National Guard in 1976 and the other to Thailand. It has been alleged that the attack against the Court was the work of the M-19 terrorist group which was trying to prevent the deportation of Colombians to the U.S on drug trafficking charges.

A vital part of ATF's firearms enforcement efforts is our International Traffic in Arms (ITAR) program. The number of cases with ITAR involvement have grown from 73 in fiscal year 1983 to 166 for FY-85. Half of the cases involve firearms smuggling to Mexico and other Latin American countries. Our investigations show that the most sought after weapons are military-type assault rifles such as Colt AR-15, AKs and AKMs and machine guns such as the MAC-10. In one on-going investigation along the Southwest border, ATF agents have been able to identify several firearms dealers who have diverted over 6,500 firearms to individuals in Mexico. In another case, Manuel Ortega, of Sonora, Mexico, was arrested on December 3 in Tucson for illegally buying at least 72 firearms during the last year for resale in Mexico.

Our ITAR program will continue to increase during the coming years. Increased liaison with foreign law enforcement agencies will help us identify the firearms seized and determine possible illegal traffickers and patterns in the United States.

Explosives are another weapon used by terrorists and drug smugglers. As the federal agency with primary responsibility for the explosives laws, ATF has been able to perfect a number of cases in this area. For example, on May 5th, ATF agents arrested Rachel Irma Gonzales of San Antonio for attempting to purchase two destructive devices on behalf of a Mexican group called the "Left Hand". According to Gonzales, the group was opposed to the existing Mexican government and intended to blow up the homes of supporters of President Miguel de la Madrid. She was sentenced on October 22 to six years in prison.

On March 7, an explosion occurred in Donna, Texas in which two individuals were killed while constructing a bomb. ATF agents were able to identify a third person who fled to Mexico. The subject was questioned by Mexican authorities and admitted to being hired by the Rafael Caro Quinterros Organization of Guadalajara to kill an unidentified individual in McAllen, Texas who was involved in a drug transaction that went bad.

Since the mid-1970's, ATF has operated the Explosives Incident System (EXIS) as an investigative aid. EXIS is capable of researching the data base of over 18,500 domestic explosives incidents for similar devices or components, modus operandi, trends, patterns and targets, thus providing valuable leads to investigators.

With the increase in terrorist attacks world-wide against Americans, the potential for attacks against domestic targets and leaders increases. We are taking the lead in enhancing and broadening EXIS to include foreign incidents, in order to bring the same capability to bear on international as well as domestic criminal bombers.

Another investigative tool used by investigators is Project SEAR. SEAR, which stands for Stolen Explosives and Recovery, has been used in the investigation of terrorist bombings and the thefts of explosives. Through SEAR we can identify and determine trends and patterns concerning thefts of explosives.

Through the National Explosives Tracing Center, ATF serves as the focal point for Federal, state and local law enforcement contact with the explosives industry. The Center has been successful in tracing explosives to domestic terrorist groups such as the United Freedom Front, Crusade for Justice and FALN.

Another resource that ATF can bring to bear on a major incident would be our National Response Teams. As this Subcommittee is well aware, two teams were stationed at the 1984 Summer Olympics for the purpose of responding to any major explosives incident. While the Olympics were a model of international peace, nonetheless those teams are consistently deployed in significant criminal arsons and bombings. They are at a peak of both readiness and experience.

ATF also conducts extensive explosive training for Federal, State and local law enforcement primarily in the area of post blast and explosives identification. Because of our expertise, we were asked by the Department of State to participate in their Anti-Terrorism Assistance Program. ATF is presently providing all of the explosives investigations training to foreign law enforcement officials through the program.

ATF has had a significant impact on several survivalist and domestic terrorist groups. The key to our success is not just prosecuting the members and groups involved but in determining the sources of illegal guns and explosives. The recent joint Federal-state operation against--The Covenant, The Sword, The Arm of the Lord (CSA) in Arkansas showed the massive amounts of firearms and explosives stockpiled by such groups. Their arsenal was obtained from both legal and illegal means. Recent trials involving members of The Order revealed how many of their activities of terror were financed through bank robberies and laundered money.

The opportunity for terrorists and drug smugglers to use the same activities in this country are increasing. Every day, we read about policemen being killed in drug investigations. The terrorist and drug smuggler have very little regard for human life. To them life is cheap-whether it be a passenger on a cruise ship in the Mediterranean, bystanders at a medical clinic in Mexico.

Fortunately, we as a country have been given advance warning and through hearings such as this a chance to take stock of our resources and capabilities to meet the threat of imported violence. Through the President's Organized Crime Drug Enforcement Task Forces we have learned how a coordinated, multi-jurisdictional attack on a crime problem can be brought to bear and how it can be effective.

Whatever else the implications of terrorism, it is a simple fact that its manifestations will be crimes. Like the current effort against narcotics, it will be the skills and expertise that we in law enforcement share, not what we hoard, that will be our most effective response.

I would be happy to answer any questions.

Mr. Higgins. Mr. Chairman, with your permission, I've got a little bit of a viral infection anyway, so if it's OK with you, me throat might go, I'll just take questions, if you would like, and just submit my statement without summarizing.

Senator Abdnor. I'm sure that's fine. Go ahead, Mr. Rinkevich, we don't want to shortchange you here.

Mr. Rinkevich. Senator, I do not have a prepared written statement, but I would, since I don't have a cold or viral infection, take the opportunity to briefly make a couple of points about the Federal Law Enforcement Training Center and training to combat terrorism.

As you and Senator DeConcini know, and perhaps more for Congressman English's information, we train virtually all the Federal law enforcement agencies at the Center except for FBI and the DEA. Our Center is located in Georgia.

We have recently, in the last year, opened a satellite facility in Marana, AZ, which is about 35 miles north of Tucson.

That facility is designed principally to provide basic training for Indian tribal police, and Bureau of Indian Affairs police; but we also do some specialized training at that facility.

The Center has been involved in antiterrorism training at, I think, a sufficient level in the past.

We do not have an antiterrorism training program per se; that is, we do not offer a course of instruction that is entitled "How to Deal with Terrorism or Terrorists," however, we have a variety of courses that we offer in both our basic training programs as well as our advanced programs that relate to terrorism—like introduction to terrorism, contemporary violence, officer safety and survival, psychology of the hijacker, and courses of that sort.

Additionally, at the request of the State Department, we have participated during the last year in providing briefings and in-country assistance as well as training at the Federal Law Enforcement Training Center to friendly foreign countries in tactics in areas to combat terrorism using most of the kinds of courses that I've just outlined that we have available.

And I would also say that, recently, we have been involved with the FAA at their request in providing a basic training program for their newly expanded Air Marshal Program. We did that training here in Arizona at our Marana facilities and that training has been completed.

We have some experience and have made some contribution to the whole area of antiterrorism training and tactics which agencies use to combat that.

I would make one final point, and that is, Senator, that the Center is a service organization. Our mission is to provide the training to satisfy the training needs of operational law enforcement agencies. So, much of what we do is driven by the needs of the agencies that we serve. The extent to which additional attention by Federal law enforcement is paid to antiterrorism and the extent to which we could get more heavily involved, and should get more heavily involved in antiterrorism training.

I too would be glad to answer any questions that you have.

Senator ABDNOR. Fine. I appreciate those comments. I'm just going to ask you: Are you gradually building more of the antiterrorism training into your program?

Mr. RINKEVICH. Yes, sir; we have done that and we will continue to do that.

Senator ABDNOR. Very good. Also, when we passed the treasury bill we had report language accompanying the bill directing the Secretary of the Treasury to study, in consultation with other Government agencies, the feasibility of creating an antiterrorist training program in FLETC.

Do you know if that study is going on and what the status of it is?

Mr. RINKEVICH. Yes, sir; the study is going on. We have been working on that since the time we learned that that language would be inserted in our appropriations bill. We have not yet completed that work, and when we do complete it, will, of course, need to be reviewed by the Secretary and the staff in the Assistant Secretary for Enforcement and Operations. But we are working on that and hope to be able to come to the Appropriations subcommittee in the near future with that status report.

Senator ABDNOR. Very good. Before the year is out, we will be brought up to date on it.

I think I will have some other questions later that I will submit in writing, Mr. Rinkevich.

Mr. Higgins, I'm sorry you have a sore throat, but I have a real broad question for you.

What would be the most effective approach to drug smuggling and terrorism on the southwest border?

Mr. HIGGINS. If I had the answer to that, I could probably have higher aspirations than I already have.

During the later questioning, I will give some examples of some specific things that I think ATF could do, and is doing, to increase its effectiveness. In terms of what all agencies could do, I think we have learned through the organized drug enforcement task forces that, in that approach, the way that all levels of Government can be most effective is in working very closely together, sharing their resources, and making the most of their individual jurisdictions.

We think this is probably a classic way where we can be more effective if we share rather than hoard our resources, and we will be doing some specific things too.

Senator ABDNOR. How could we do a better job?

Mr. HIGGINS. I think one of the issues and one of the concerns that we have—we are concerned obviously with drugs coming into this country from all over, and specifically from Mexico and other countries.

Although drug enforcement is not a specific jurisdiction of ATF, we get involved when those people come into this country, as an example, and illegally purchase firearms, take those firearms to Mexico or other countries, and sell them perhaps and bring drugs back to this country or get money, buy more firearms, and go back and forth.

What we are attempting to do—we think it's fair that if this country expects other countries to support it with the drug problems and drugs coming into this country, we think we have to be ready to support them in terms of stopping firearms going to those countries, and the best way, the cheapest and most effective way for us to do that is to get good information from those particular governments with respect to the specific identity of guns that are picked up in those countries as they are used in crime or as they are taken from drug dealers.

With that specific information, if those guns come from this country, if we can get the identifying information, we have the capability of using our National Tracing Center to identify the specific sources of those guns that are going into those countries.

And after we identify those sources, whether they be licensed firearms dealers in this country or individuals who live in this country who buy from licensed firearms dealers and then resell to aliens who are illegally here, those are the kinds of ways we think we can be most effective in the firearms area.

Senator ABDNOR. Are you getting specific requests from other countries at this time asking you to check this out or find out where they are coming from?

Mr. HIGGINS. To give you some idea, we traced last year approximately 37,000 firearms of all kinds. That was our total tracing.

About 2,600 of those requests came from countries outside of the United States. They were guns that had ended up—out of that 2,600, approximately 35 percent, slightly more than 900, came from the Latin American countries.

The difficulty we have is that, using the country of Costa Rica as an example, we worked out an agreement where they are sending us practically all of the guns that they have picked up with American manufacture that are illegally on their streets, and they are giving us very specific information that we can trace.

The country of Mexico has now agreed to provide us with more specific information, but we have not yet begun to be able to get the kind of information that we are going to need to be able to help them.

Senator ABDNOR. What do we need to do to help you.

Mr. HIGGINS. What we are trying to do is also to help ourselves, because you and other members of the committee have been very generous in terms of helping with resources, but we are also trying to help ourselves by doing some things.

We are considering, and with the Department's approval, putting one of our agents in Mexico City. At this moment, we have none of our agents stationed outside of the United States other than Puerto Rico, but no agents anywhere else.

If resources allow, we will put an agent in Mexico City. We will want an agent in Mexico City to get that specific information that we need to trace and also to assist the Mexican authorities as they attempt to handle the problem they have caused by American weapons.

Senator ABDNOR. I certainly hope when you come before our committee in appropriations hearings, that if there is anything we could be doing or should be doing, speak up, please don't hesitate to tell us about it. It doesn't sound that difficult a thing to carry out to undertake a whole new program. It will probably do a lot of good. You make a very good point. Sometimes we overlook the simpler things we might do that would do a lot of good.

One last question on my part: What is the ATF's role in conducting explosive training of other law enforcement agencies? Are you working on that?

Mr. HIGGINS. We're very heavily involved in conducting training for State and local officials through the training center in Glynco, GA. We do most of that training down there that takes place in two particular areas; one in postblast investigation and other in identification of explosives, so we are heavily involved in that.

We also put on seminars for State and local people throughout the United States.

On an international level, we work with the State Department through the Antiterrorism Assistance Act, and we provide training in Glynco for officials from those countries. I think we did two last year, and we have countries scheduled to come this year, so we are providing that training, and that's basically a postblast explosive identification and that kind of training.

Senator ABDNOR. Have you seen some results?

Mr. HIGGINS. We think, especially with the State and locals, that it's been a very effective program. The comments that we have gotten back from them would indicate that it is, and we just think we need to continue to do more of it.

Senator ABDNOR. Fine. I know you are doing a fine job. I will submit a few extra questions on this, but to save time on your throat, I will do it that way.

Senator DeConcini?

Senator DECONCINI. Mr. Chairman, likewise, I will submit my questions, particularly for Mr. Higgins.

I do want to ask you, Mr. Higgins, you say in your statement that the ATF's National Explosives Training Center has been successful in tracing explosives to domestic terrorist groups such as the United Freedom Front; the Crusade for Justice, and FLAN.

You also attribute your International Traffic in Arms Program to linking an explosive killing in Donna, TX, to a drug-related murder attempt in McAllen, TX, by a hired hit man of the famous Mexican Quinteros' narcotics organization.

Can you tell the committee what both your tracing center and your International Traffic in Arms Program reveal about the relationship of drug smuggling into the United States; domestic terrorism; and explosive trafficking across the United States-Mexican border? You can understand that is of great interest to us here in Arizona.

Mr. HIGGINS. There is an extensive amount of traffic that goes back and forth across the border all along the southwest border where firearms are traded for narcotics.

The firearms are purchased here and taken into those countries below the border and swapped for narcotics or sold for money, because the going price is two to three times what the firearms would cost in this country.

Just by a lot of the other connections that we see are more anecdotal than totally conclusive. We are limited. We have no one outside the United States.

But to give you some examples, through our tracing program, we were able to trace nine firearms that were recovered by Mexican police at a shoot out last March 2 at a ranch that belonged to the Manuel Bravo-Corvantes family. That's the ranch near where the body of DEA Agent Enrique Camarena was discovered.

We traced two of those recovered firearms to Rafael Monzo who lives in Houston. He had sold the firearms to Bravo in Texas, and Mr. Monzo has been convicted of selling firearms to a nonresident.

The machine gun that was used last year, as you probably remember, to assassinate the Justice Minister of Colombia, we were asked to trace that gun, and the gun was traced to Florida and it came from this country.

On May 17, 1984, several individuals attacked a medical clinic at Matamoros, Mexico, attempting to kill a leader of one of the Mexican crime families.

During that attack, six bystanders were killed, and that's the very unfortunate part of it. Nine recovered firearms were traced to this country, and we have an investigation on the individual at this point.

On November 22, we were asked to trace the guns that were used at the Colombian Ministry of Justice where the chief justice and other members of that court were killed. The firearms that we were asked to trace were Colt M-16 machine guns. Those machine guns left this country. Two of them were shipped to the Nicaraguan National Guard in 1976 and the other was traced to Thailand. Beyond that, it would be speculation as to how those weapons got from the Nicaraguans to the Colombian terrorist groups. So a lot of what we are able to show would be anecdotal in nature.

Senator DECONCINI. Thank you. I'm going to submit the balance of my questions to you.

For the record, I do have one question or two for Mr. Rinkevich.

Mr. Rinkevich, my staff and others in our delegation were very impressed with your Marana branch of the Federal Law Enforcement Training Center during their tour yesterday morning.

As I understand, you are currently training Bureau of Indian Affairs police and providing short courses and advanced training for several other agencies. You also just completed, as you said, the Sky Marshal Program, which was authorized and funded by Congress.

What is the current Treasury Department's thinking regarding Marana as a permanent western FLETC to take some of the workload burden off of Glynco, GA?

I visited there and I know how overburdened you are there.

Can you give us any update on that?

Mr. RINKEVICH. Senator, we have been at Marana, as I indicated, just about 1 year. In fact, we began our first training program in January 1985.

When we launched the Marana operation, it was specifically to satisfy the needs of the Bureau of Indian Affairs with the full knowledge that the additional capacity that we would create in the western United States would be very useful to us, particularly for advanced and specialized training.

When we made the decision to launch the western satellite, the Secretary of the Treasury directed us to make this an experimental launching in the sense that he wanted to make sure, as we did, that it was cost effective and it satisfied a legitimate need.

I think at this point that it is all of that. It has not yet reached its full potential. We trained about 400 students in total in fiscal 1985 and we expect to train something in excess of 1,600 students at the Marana facility in 1986. That's our current projection without any unanticipated needs. So we are very comfortable with the fact that we have a facility in the western United States designed to satisfy the needs of agencies who are posted in the western United States.

We certainly don't want to see a situation where we train people who are residents of the East to Marana, AZ, as desirable as this State is, so we want to guard against that. But we are comfortable with the arrangement, and we think that the potential for continued utilization is still there.

Senator DECONCINI. I visited the facilities in Glynco, and I really complement you for a well-run operation, in this Senator's opinion. You really answered my next question about advanced training and, obviously, Marana is suited for that, as you said.

Mr. Rinkevich, I'm going to put you in a little bit of a box, I guess, by asking you to give me your thoughts on certain provisions of the bill that I'm kind of partial to, that's Senate 1499. This bill calls for a number of steps to combat domestic terrorism.

One of the key provisions of the bill is to establish an antiterrorism academy at the Federal Law Enforcement Training Center at Glynco and whatever advanced training might be in Marana.

The bill also makes counterterrorism mandatory for all Federal law enforcement officers and indicates that, from what you have said, some of this is already taking place.

Would you be able to absorb this mission at the Federal Law Enforcement Training Center?

Would you support the mission, and what are your feelings on such training being mandatory for all Federal law enforcement officers?

Mr. RINKEVICH. To answer your second question first, we would support whatever mission is assigned to us by the Congress and the administration. The Center, we are very proud to point out, has a very fine track record in reacting to unanticipated needs.

We recently trained 1,000 new border patrol agents authorized by the Congress and hired by the INS on very, very short notice.

The FAA Air Marshal Program was conducted on literally a few days' notice. We had only a short time to put together and to organize the training. Our hallmark is that we will respond to the needs that the agencies have when we're given the direction and the resources to do it.

In answer to your first question, the answer is "yes" and "no."

We do not have the present capacity certainly at Glynco to undertake any additional training of the magnitude that your bill envisions. On the other hand, the Glynco facility and the Marana facility are both relatively elastic. We can support the mission if we are given additional resources—and I'm not talking just about financial resources—I am talking about resources of expertise, because one of the ways in which our Center operates and one of the reasons we are so successful is that we do not pretend to have all the expertise in law enforcement. We reach out to our client agencies. We tap the experts there and then convert that into training programs. Sometimes we use that process and sometimes we bring our own folks up to speed to deliver the training.

But given the present state of training demands, honestly, we could not accommodate additional training without an influx of additional resources.

To answer the third part of your question, I don't think there is any question that Federal law enforcement and State and local law enforcement agencies need additional training in terrorist tactics.

We have been very fortunate in this country not to have had to deal with the kinds of problems that Americans have confronted in other parts of the world, but it's certainly very prudent for us to be prepared for that.

Senator DECONCINI. I take it that from your statement and what you've just answered, Mr. Rinkevich, you would answer affirmatively and that you think all Federal law enforcement agencies could use training in antiterrorism.

Mr. RINKEVICH. Yes, sir; not only could they use it, but in most of the basic programs that we conduct at the Center now, our Criminal Investigative Program and our Police Training Programs, for example, for the Federal Protection and Safety Service which is responsible for guarding all Federal buildings, we provide a core of courses, as I outlined earlier, in terrorism and terrorism tactics.

That's not to say that more couldn't be done and shouldn't be done.

Senator DECONCINI. The bill that I mention does authorize appropriations of $18.7 million; $13 million for new construction at your facility to try to facilitate that.

Mr. Chairman, I have a couple of other questions that I will submit in writing.

Thank you, Mr. Rinkevich.

Senator ABDNOR. Congressman English, we will wind up the afternoon with your questions.

Mr. ENGLISH. Thank you very much, Mr. Chairman.

I have just one question, and it's for Mr. Higgins.

I mentioned earlier the statement that had been made to me by not only the various law enforcement officials around the country, but in particular, by the district attorney in my own home State of Oklahoma, in which his observation was, at least in his jurisdiction, something like 70 percent of the violent crime was drug related.

Of course, many times, when we talk about violent crime, that includes, you know, guns.

Would you—have you made any observation at all in your studies and through your work as to how much of the crime you come across is connected to be drug related?

Mr. HIGGINS. Well, I'll just give you observations, and I really have no data to back it up, although we can provide it for you.

What we are finding—we have in excess of 100 agents who are assigned, as an example, to the Organized Crime Drug Task Force Program, and they are working generally on organized crime people, but in a large measure; those people are involved in some way or another in violent crime.

The remainder of our agents, and that's several hundred, are almost exclusively targeting people who are violent criminals. We have so few agents and so much work to do that, just by the nature of the job, they are working with violent criminals, and we have more than enough, we are talking about several thousand investigations, and we're talking about being very selective in terms of targets. Those are violent criminals—a lot of them involved in drugs from one standpoint or another.

Mr. ENGLISH. I believe you pointed out earlier the fact that you felt there was a growing connection between the sale of guns, particularly as they move across our border, and drugs—that connection is strengthening.

Is that the evidence that you find?

Mr. HIGGINS. It looks to us to be, and as we get more information from some of the countries in terms of specific guns that were picked up and the crimes in which they were picked up, I think we will be able to have more data, but I think that is the case, and our investigations would indicate that. The number of international trafficking in arms cases that we had that were connected with drugs last year I am sure increased dramatically.

Mr. ENGLISH. I would also like to say, Mr. Chairman, for the record, that I am familiar with Mr. Rinkevich from when he was heading up the south Florida task force, and he did an outstanding job down there, and I just want to put that on the record. We understand that he has done equally well in Glynco, and I want to get down there myself and take a look at it.

Mr. Higgins, your association with one of my staff members is well known, and he speaks very highly of the work that you do, and I again appreciate the fine work that ATF does. You do an outstanding job over there with not much recognition.

Mr. HIGGINS. [Laughing.] He's the one that suggested that I claim to have a bad throat.

Mr. ENGLISH. Thank you, Mr. Chairman.

Senator ABDNOR. I might add that you did an equally fine job in FLETC as well, and I commend you for it.

This concludes our hearings and surprisingly, within the guidelines that we set for ourselves.

Senator DECONCINI. Mr. Chairman, I want to thank you again for the time and the busy calendar that you have and Congressman English for being here and the witnesses, the mayor. Thank you, mayor, for the facilities here and the city council of Sierra Vista and all the people who have participated in the hearing. I think they have been very helpful. Thank you.

Senator ABDNOR. I appreciate that. Thank you, Senator. I just wanted to say along that line that I thought the hearings we had today were exceptionally fine. The information we received has been of great help to us in our deliberations, and I think most of our witnesses realize too that we have our job ahead of us. We try to do the things that need to be done with the dollars the way they are going to be. Even before Gramm-Rudman-Hollings bill, we were having trouble, but I think we are all dedicated to getting those dollars in any way humanly possible. Your testimony today has been extremely helpful, and mayor, I too want to thank you and the other people for the fine testimony that we had.

Congressman, you spent a lot of time—3 days with us on this—and I know this great dedication—you've proved it time and time again—and

I too want to join in with Senator DeConcini and thank you and ask you if you have any closing remarks.

Mr. ENGLISH. I would only like to say, Mr. Chairman, it's been a distinct pleasure for me. I feel honored to be associated with this distinguished subcommittee and the fine work that you all have done in beefing up and making it possible for us to actually have a war on drugs in the future. I don't think it has really received proper recognition, and I think that, quite frankly, any success that we have in the future as directly attributable to the fine work that Senator DeConcini and yourself have done over there. My hat is off to you, and as you know, we are great admirers over in the House side of your work.

Senator ABDNOR. Well, thank you. Be careful what you say. We will be calling you back, because you lend a great deal of support to what we try to do.

ADDITIONAL COMMITTEE QUESTIONS

The questions which we referred to earlier will be placed in the record at this point.

[The following questions were not asked at the hearing but were submitted to the Department for response subsequent to the hearing:]

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

Additional Committee Questions

Question: How would ATF respond to a terrorist bombing or arson incident?

Answer: We have found that a timely coordinated response to an explosive scene is critical to the success of the investigation.

The four ATF National Response Teams (NRT) are designed to respond to major explosives and arson incidents that are beyond the resource capability of smaller ATF offices and State/local public safety departments. Individual team members are extensively cross-trained in the team concept roles. Each team consists of 10 highly trained and qualified explosives investigators, plus a forensic chemist and explosives technical support personnel. These teams are highly mobile and can react to any location in the United States within 24 hours. Further, the NRT concept has amassed an impressive, near 60% solution rate. Since the team's inception in 1979 it has been activated on 120 occasions. These activations have encompassed investigative activity concerning 94 deaths, 397 injuries, and the destruction of $401 million of property throughout the United States.

ATF's Explosives Technology Branch and National Laboratory combine to provide outstanding support for the explosives enforcement program. Our Explosives Technology Branch is composed of explosives specialists with extensive civilian, police, and military backgrounds in explosives, explosive/incendiary devices, and their design, construction, firing and effects.

The ATF National Laboratory is recognized as the leading laboratory in the examination of explosives evidence in the United States. It is the only U.S. Government laboratory accredited by the American Society of Crime Laboratory Directors.

The lab uses the Thermo Electron Analyzer, an advanced explosives detector, along with x-ray diffraction, standard chromatographic techniques, and laser fingerprinting. The lab also has the world's largest and most complete ink library.

The Explosives Technology Branch and the ATF lab yearly examine evidence from hundreds of incidents involving explosive/incendiary bombings and the seizure or undercover purchase of explosive/incendiary devices.

Question: Does ATF have the capability to track explosive incidents?

Answer: Since 1975, ATF has operated and maintained the Explosives Incident System (EXIS) as a domestic intelligence and investigative aid. The EXIS data bank currently lists over 18,500 explosives incidents which contain 61,000 detailed records. This data bank is comprised of detailed incidents of device design and construction and specific componentry concerning explosives incidents reported to or investigated by ATF pursuant to the Bureau's mission. EXIS is capable of researching for similar devices or specific recoveries components, modus operandi, targets, trends, and thus providing valuable leads to the Bureau or to the requestor.

On a daily basis, ATF forwards explosives information to the U.S. Secret Service to support their vital protective mission.

The one limitation EXIS has is that it is strictly a domestic system.

QUESTION: In the event of explosive incidents, do other enforcement agencies contact ATF for expertise? Does this happen immediately?

ANSWER: ATF is recognized as the lead explosives investigative agency, nationwide, thus State/local law enforcement agencies frequently call upon ATF to render investigative assistance immediately after the crime occurs. ATF is also asked, on a case-by-case basis, to assist other Federal investigative agencies on matters concerning explosives, forensics, and explosives technology.

For example, ATF pursuant to its explosives mission, maintains four National Response Teams to assist field offices and State and local law enforcement agencies in the investigation of major bombings and arsons. Each team consists of 10 highly trained and qualified explosives investigators, plus a forensic chemist and explosives technical support personnel. The four teams are highly mobile and can provide support to any location in the United States within 24 hours.

The primary objective of the National Response Team concept is to immediately augment the investigative resources of ATF field offices and State and local law enforcement authorities. Since the program's inception in 1979, the teams have been activated on 130 occasions. These activations have encompassed investigative activity concerning 94 deaths, 381 injuries, and the destruction of $405 million of property throughout the United States.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

Additional Committee Questions

1) Question: I would like to leave the general line of questioning for a minute and ask you to briefly describe the Center's activities at Marana. Are things coming together? What is the response from the Bureau of Indian Affairs? How about other agencies?

Answer: In May 1984, the Department of Interior's Bureau of Indian Affairs (BIA) requested that FLETC assume responsibility for managing and conducting training programs for their law enforcement personnel. This request resulted from BIA's decision to close their Academy in Utah and to avail themselves of the economics, expertise and creditability provided by FLETC at the Pinal Air Park, near Marana, Arizona. Because Marana was a contractor operated facility already in use for fire suppression training by other Federal agencies, FLETC was able to negotiate an expansion of these facilities to provide cost effective law enforcement training for BIA.

FLETC began training its first BIA Indian Police Academy in January 1985. For the remaining nine month period of FY 1985, FLETC provided training for 239 BIA students in both basic and advanced law enforcement programs. This accounted for 1,365 student weeks of training. In FY 1986, our first full year of operation at Marana, it is estimated that 415 BIA students or 2,270 student weeks of training will be conducted.

In addition to BIA programs conducted at Marana, FLETC has conducted and supported training for many other Federal law enforcement agencies. These include advanced programs for the Immigration and Naturalization Service, US Customs Service, the National Park Service, and the Federal Aviation Administration. Certain programs also are presented to State and local law enforcement personnel as part of FLETC's specialized course offerings under the National Center for State and Local Training. In FY 1985, FLETC conducted and supported this sort of training for 181 students or 395 student weeks of training. In FY 1986, an estimated 886 students or 1,417 student weeks of training will be provided to Federal, State and local agencies other than BIA.

The total for all training conducted at Marana in FY 1985 was 420 students and 1,760 student weeks of training. This is expected to increase to 1,366 students and 3,712 student weeks of training in FY 1986.

2) Question: There is no doubt that we are conscious about costs. It would appear as though advanced training could be conducted at Marana. Has consideration been given to such a possibility?

Answer: As previously noted, the Marana facility is a contractor-operated site. As part of the arrangement negotiated with the contractor, FLETC is the exclusive agent for scheduling all law enforcement training at the facility. In accordance with established policy, FLETC provides first priority to Indian law enforcement training, including entry level basic and advanced programs. Second priority is accorded to other Federal, State and local law enforcement agencies, whenever space is not available at our principal site in Glynco; the designated training is for advanced programs and of short term duration; and there is expected savings in transportation costs over travel to Glynco. A third priority addresses training for other categories, including training as part of the Anti-Terrorism

Assistance Program for foreign personnel sponsored by the Department of State.

Wider use is being made of Marana as a result of the limited housing capacity at Glynco. A notable example includes FLETC's training program for FAA Air Marshals which was inaugurated in FY 86 in response to the serious problems being confronted as a result of international terrorism.

3) Question: I do not want to suggest that steps be taken to duplicate Glynco at Marana for I don't believe we should go in that direction, but could you give the Committee your thoughts as to how Marana can supplement Glynco's training?

Answer: The Marana facility's location in the Southwest United States, affords FLETC a capability to address Indian law enforcement training needs in an environment which is closely identifiable with their operational requirements, and their unique political and cultural traditions. This facility also provides FLETC, its 59 participating Federal agencies, and its National Center for State and Local Training an important degree of flexibility for scheduling training.

Because FLETC's Glynco facility consistently is scheduled to capacity or near capacity, Marana is utilized for short term training needs. Marana has housing capacity for 137 students, classrooms, a dining area, a small outdoor firearms range, and related residential support facilities. The FLETC's investment in Marana is limited to a small number of staff and equipment, and all training is conducted on a reimbursable basis. Potentially, Marana can be a source for further training where there are significant cost economies to be realized and where the special resources, already in place at Glynco, are not necessary.

QUESTIONS SUBMITTED BY SENATOR DENNIS DECONCINI

FLETC: Central American Counter-Terrorism Program.

Mr. Rinkevich, last Fall the Administration requested an additional $54 million to establish a new Central American Counter-Terrorism Program, to be managed primarily by the State Department and DoD.

About Half of the money would be used to provide 5 Central American countries with increased military capabilities to counter-terrorism ($27 million) and half for a civilian law enforcement counter-terrorism assistance program ($26 million). As the State Department cover letter to Vice President Bush indicates, military and civilian counter-terrorism training will be the backbone of the program.

Question: Can you tell the Committee what role, if any, the Federal Law Enforcement Training Center (FLETC) will play in training these Central American civilian law enforcement personnel?

Answer: A FLETC representative has participated in discussions conducted by the Department of State in coordination with other Federal agencies on the development of a Central American Counter-terrorism Program. It is possible that FLETC may be requested to assist in developing and conducting certain types of civilian police training. Since 1984 FLETC has provided training to designated foreign officials under the State Department's Anti-Terrorist Assistance Program. However, neither a definitive plan for accomplishing the training nor a timetable for a specific Central American Program which involves FLETC has been identified at this time.

In the event FLETC is requested to conduct training of this nature, our participation will depend upon a number of factors, including the availability of our staff resources, facilities, and other training priorities.

Question: What role for Marana?

Answer: The decision to utilize FLETC's Marana, Arizona, site is subject to the same considerations raised above.

CONCLUSION OF HEARINGS

Senator ABDNOR. With that, the hearings are concluded and we will stand in recess subject to a call of the Chair.

Thank you very much.

[Whereupon, at 4:30 p.m., Thursday, January 9, the hearings were concluded, and the subcommittee was recessed, to reconvene at the call of the Chair.]

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